Pluralism and Unity in Education

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Pluralism and Unity in Education
On Education for Democratic Citizenship and Personal Autonomy in a Pluralist Society

Abstract

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The overarching theme of this thesis concerns the possibility of balancing the values of unity and pluralism in education in developed nation states characterized by an increasing pluralism when it comes to the beliefs and values of its citizens. The author suggests that democracy has a normative basis in the principle of reciprocity which can be supported in an overlapping consensus by reasonable persons who differ in their moral, religious and philosophical beliefs. It is argued that this basis mandates a deliberative kind of democracy and that certain implications follow for how to understand the relation between democracy and individual rights, between democracy and religious belief and speech, and between rationality and deliberation, among other things. The author proceeds to discuss three educational issues in relation to the principle of reciprocity and its implications: 1. The legitimacy and content of a mandatory citizenship education, 2. Children's rights to develop personal autonomy, 3. The opportunity for parents and children to choose which school children attend. These issues are important in relation to the question of how to balance unity and pluralism in education in that they concern the promotion of certain common beliefs, values and dispositions among citizens or the creation of a system of choice between schools with different profiles. The purpose of the discussion is to construct a theoretical position which balances the values of unity and pluralism in education, by giving diversity its due (*contra* communitarianism) while upholding a measure of unity (*contra* libertarianism and radical multiculturalism) which is located in the democratic and autonomy-promoting purposes of education rather than (exclusively) in its economic/vocational purposes (*contra* neo-liberalism). The discussions make use of political philosophy, educational philosophy and empirical research carried out by other researchers.

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How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines?

- John Rawls (2005, p xviii)

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1. Introduction, aim and method

1.1. Introduction

> [A] fundamental challenge for political theorists today ... is to articulate an educational theory that is at once properly respectful of cultural differences and mindful of the need to cultivate autonomy and common political values in the state's youngest citizens. (Reich 2002, p 115-116)

This thesis is premised on two observations. Firstly, there is a general increase in pluralism within nation states in the developed world when it comes to the beliefs and values of their citizens. Secondly, there is an increasing demand that these states tolerate, or recognize, different beliefs and values, and a corresponding decrease in the perceived legitimacy of enforcing common beliefs and values in the citizenry. The first observation is connected to a global development in which people are increasingly mobile – for various reasons – and move/migrate between different nation states. For example, a small and previously homogenous nation state such as Sweden has experienced a large inflow of people from countries with very different cultural and religious backgrounds over the last couple of decades. The second observation is connected to changes at the ideological level, where ideas of assimilation have lost ground to ideas of multiculturalism and/or liberal tolerance, especially among political and academic elites[1]. Thus, even if it is true that many nation states have always been marked by internal pluralism, it is only in the past fifty years or so that many of them have started to abandon the project of assimilation in a comprehensive sense and to replace it with policies that are more accommodating of cultural and/or religious pluralism.

This development can also be seen within the field of education. If public schools once had the mission to inculcate patriotic beliefs and values and/or to promote the "true faith", they have gradually become more liberal and tolerant in relation to different beliefs and values. This is not to say that patriotism and religious partiality have disappeared completely from the curriculum of public schools, but rather that these elements have

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[1] I do not mean to suggest that the material/empirical and the ideological/theoretical levels are separated from each other. On the contrary, I think of them as interdependent. The increasing mobility of people is made possible by more porous borders, which are partly the result of ideological changes (humanitarianism, free market values etc.), and the rise of multiculturalism and liberal tolerance is in turn a response to the increasing mobility of people, among other factors.

been toned down to various degrees[2]. In contemporary Sweden, for example, it can be argued that public schools teach a "thin" version of patriotism and are religiously uncommitted, even if they focus on Christianity for historical and cultural reasons (see Chapter 4). To a large extent, the promotion of basic democratic beliefs and values has replaced the promotion of a "thick" patriotism and particular religious doctrines. There has also been a rise in multicultural policies which aim for a culturally and religiously inclusive curriculum and for accommodating the wishes of cultural and religious minorities to exercise a more direct influence on the education of "their" children. These policies have lately been criticized by prominent center-right politicians[3] who argue that they lead to societal disintegration and should be either abandoned or modified. It seems to me that this critique is largely symbolical and/or politically motivated and it remains to be seen what effects, if any, it will have on the curriculum of public schools[4].

There is another trend, however, which should be mentioned since it has already had a clear impact on education in developed nation states. This trend is sometimes called "neo-liberalism" (Ball 2008) and involves a fundamental shift in the view on the purposes (and methods) of education. Stephen Ball (2008, p 11-12) describes it as "a single, overriding emphasis on policy making for economic competitiveness and an increasing neglect or sidelining (other than in rhetoric) of the social purposes of education". According to this perspective, schools are first and foremost places where children are provided with the skills and knowledge needed to compete in the global economy or the "knowledge society", and the issues of citizenship education and autonomy promotion are either taken for granted or simply dismissed. It would be a mistake to see this shift as unrelated to increasing cultural and religious pluralism in society, I think, since pluralism may undermine the prospect of finding common ground on many political issues, leaving economic growth "as the remaining universal ideal to pursue from the political center" (Fuller & Rasiah 2006, p 103).

To sum up, what can be observed is a tension between centripetal and centrifugal forces, or – put differently – between unity and pluralism in

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[2] There are of course significant differences between different nation states on this issue.

[3] Angela Merkel, David Cameron and Nicolas Sarkozy.

[4] It may also be contradictory, at least in the case of Cameron, who has argued in favor of a Swedish-style school choice system where parents and children are allowed to choose between schools with different profiles (assuming that cultural and religious such profiles are included).

education. The traditional centripetal forces of cultural and religious homogeneity and/or communitarian politics (overriding any and all differences) have been severely weakened, although one can find signs of a return in the recent critique of multiculturalism and in the homogenizing effects of neo-liberalism. This is the background against which I will argue in favor of a balance between unity and pluralism in education which gives diversity its due (*contra* communitarianism) while upholding a measure of unity (*contra* libertarianism and radical multiculturalism) and which locates unity in the democratic and autonomy-promoting purposes of education, rather than (exclusively) in its economic/vocational purposes (*contra* neo-liberalism). Ultimately, I will try to show how this unity follows from a normative basis underlying democracy itself.

1.2. Aim

The overarching aim of this thesis is to construct a theoretical position which balances the values of unity and pluralism in education. I start at the level of democratic theory (Chapters 2 and 3), identifying a normative basis for unity in pluralist societies and drawing out its consequences, and then proceed to discuss three educational issues in relation to this basis and its consequences. These issues – citizenship education (Chapter 4), the promotion of personal autonomy (Chapter 5) and school choice (Chapter 6) – are important in relation to the question of how to balance unity and pluralism in education in that they concern the promotion of certain common beliefs, values and dispositions among citizens (citizenship education and the promotion of personal autonomy) or the creation of a system of choice between schools with different profiles (school choice).

The aim of this thesis can be seen as an attempt to answer four specific questions:

- What is the normative basis (if any) for unity in a pluralist society where people differ in their moral, religious and philosophical beliefs? (Chapters 2 and 3)
- Can a mandatory citizenship education be legitimized and, if so, what should it contain? (Chapter 4)
- Do children have a right to develop personal autonomy and, if so, what does this mean? (Chapter 5)
- Should parents and children be given the opportunity to choose which school children attend? (Chapter 6)

1.3. Method

In order to answer these questions, I will make use of political philosophy, educational philosophy and empirical research carried out by other researchers. Since some readers may be skeptical about the possibility of doing normative research, I shall say something about where I stand on this issue.

For most of the 20th century, skepticism about normativity in science was the default position for social scientists and even philosophers. At most, it was said, one can study what normative beliefs people have and what the consequences of these beliefs are; the beliefs in themselves are immune to science and rational debate since they cannot be tested empirically but fundamentally depend on subjective preference and/or taste[5].

This challenge can be formulated in different ways. For example, emotivists claim that normative beliefs/propositions are not really beliefs/propositions at all – even if they may seem so – but rather an expression of one's emotions and/or desires, which are arbitrary from a rational point of view (see, for example, Ayer 1952). Nihilists[6] contend that normative beliefs/propositions have a semantic structure similar to that of empirical beliefs/propositions, and therefore refer to some kind of normative/non-empirical entities (rather than to one's emotions and/or desires), but deny that these entities exist; thus, normative beliefs/propositions are always false (Mackie 1977). Relativists seldom discuss the nature of normative beliefs, but argue that these – however understood – can only be true, or reasonable, relative to a particular individual (subjective relativism) or collective/culture (cultural relativism) (see Lukes 2008). Often the relativist position is tied to a political stance against the imposition of values on individuals and cultures in the name of universalism, modernity and/or rationality.

I do not have the space here to discuss these different views and arguments in any detail, because of their depth and complexity. Let me just briefly suggest why I think that they are unjustified. Contrary to the claims of emotivism, it seems that people can hold certain normative beliefs to be

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[5] I am here talking about simple normative beliefs such as "murder is wrong". The skeptical view seems to allow for rational evaluation of more complex normative belief systems – such as ideologies – in so far as these contain empirical elements (assumptions about human nature, society etc.). Also, these systems can be tested for logical coherence. Cf. Tingsten 1941.

[6] Sometimes the labels of emotivism and nihilism are used to describe the same philosophical position, but I think that they should be distinguished from each other in order to enhance nuance and clarity.

true, or reasonable, without necessarily being motivated to act on these beliefs, or feeling bad when acting against them (Larmore 1996, p 103-106; Putnam 2002, p 43); I may think that eating animals is morally wrong and yet lack the motivation to become a vegetarian, or not feel very bad when eating meat. But even when our normative beliefs are tied to our desires and emotions, it may be that the latter are produced or shaped by the former and not simply the other way around (Larmore 1996, p 103-106; Nagel 1997, p 102-103; cf. section 3.7.). The claims of nihilism rest on the assumption that normative beliefs/propositions refer to some kind of normative/non-empirical entities which exist "out there" much like empirical entities. This view is not very popular, however, among philosophers who defend the possibility of rational, or reasonable, normative argumentation. Jürgen Habermas (1993, p 26-29; 2000, p 36-38; 2003, p 256-258), for example, argues that validity in normative matters ("normative rightness") differs from validity in empirical matters ("propositional truth") in that normative validity depends on intersubjective agreement without any reference to an independent, pre-existing and objective world of facts/entities[7].

Emotivism and nihilism both imply the view that only propositions about empirical facts admit of truth and rational evaluation. But why should we believe this? It is true that normative beliefs/propositions cannot be tested empirically, but neither can mathematical calculations or logical principles – two fields of study which are seen by many as paradigms of rationality (Putnam 2002, p 33). Furthermore, empirical science crucially depends on beliefs and principles/values which cannot be tested empirically, for example ontological beliefs about the world and human beings (the world is not an illusion, our senses are generally reliable sources of information etc.) and epistemological principles/values such as coherence, simplicity etc. (Putnam 2002, p 30-31). And, of course, the doctrines of emotivism and nihilism themselves depend on non-empirical beliefs about the nature of moral beliefs and rationality. It seems, therefore, that a narrow view of rationality as empirical testability or predictability undermines itself: "The very activity of arguing about the nature of rationality presupposes a conception of rationality wider than that of laboratory testability. If there is no fact of the matter about what cannot be tested by deriving predictions, then there is no fact of the matter about any philosophical statement, including that one" (Putnam 1990, p 140, italics removed).

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[7] Cf. Thomas Nagel (1997, p 101): "the objectivity of moral reasoning does not depend on its having an external reference. There is no moral analogue of the external world – a universe of moral facts that impinge on us causally".

Hence, the sphere of reason and rationality cannot and should not be limited to that of empirical science. As Habermas (1993, p 30) puts it: "From physics to morality, from mathematics to art criticism, our cognitive accomplishments form a continuum within the common, though shifting, terrain of argumentation in which validity claims are thematized".

In my view, the claims of relativism are best refuted through the actual practice of normative reasoning and stand in tension with the empirical fact that human beings share a common biological nature and a common world (Nussbaum 2000). Also, relativism cannot be used as a basis for tolerance, respect and pluralism – contrary to what is often argued – but will rather undermine these values/principles: if my belief system mandates that I impose my values on everyone else, then I should do so according to the doctrine of relativism and there is nothing to be said against it.

Still, if normativity is to have any place in science, it must conform to certain general methodological and argumentative principles and values guiding all scientific research, empirical or not. These are principles and values such as transparency, openness, fair-mindedness, precision, consistency, being (self-)critical/reflective, acknowledging empirical evidence and following the rules of logic. Many of these principles and values support and reinforce each other: for example, transparency is enhanced through the use of precise language and logical argumentation, and openness is shown in part by being (self-)critical and reflective. I have tried to follow these general methodological and argumentative principles and values throughout the thesis, and only the reader can tell if I have succeeded or not.

Generally, I sympathize with John Rawls's (1971) idea of a reflective equilibrium and his critique of foundationalism in political (and moral) philosophy. Instead of starting from self-evident/unquestionable first principles and deducing other principles from these, Rawls argues, philosophers should strive for coherence between their considered judgments in particular cases and more abstract and general principles – a coherence in which the different judgments and principles are logically consistent as well as mutually supporting. Considered judgments are those judgments which are held with confidence over time and which are free from biases caused by self-interest and prejudice, or as Rawls (1971, p 42) puts it, "those judgments in which our moral capacities are most likely to be displayed without distortion". In contrast to Rawls, I am skeptical of the notion of non-biased reflection and would argue that biases and prejudices (as well as lack of information) are best addressed through deliberation with others rather than by trying to put oneself in an imaginary position from which one can take everyone's interests equally into account (cf. Habermas 2000,

Ch 2)[8]. Also, my argumentation differs from Rawls's ideal in that I start from the principle of reciprocity and draw out certain consequences of this principle for democratic theory and educational practice. This is not because I believe in foundationalism[9], but because the focus of this thesis is on the question of how to balance unity and pluralism in education rather than on the question of how to justify democracy.

I provide some reasons, however, for preferring the principle of reciprocity to alternative justifications of democracy. Furthermore, I do not simply deduce other principles and policies from the principle of reciprocity but argue for these by appealing to considered judgments of various kinds. Thus, the claim that various principles and policies "follow from" the principle of reciprocity (especially in Chapter 4) should not be interpreted as a claim of strict logical inference[10]. It should also be noted that empirical facts or observations are included in the argumentation, either in the shape of implicit assumptions (about human nature, society etc.) or in explicit references. Without empirical anchoring, political philosophy becomes a pointless exercise in dreaming up Utopias which can never be realized (McKinnon 2008, p 4-6)[11]. On the other hand, political philosophy must not be *too* closely tied to present reality either. As David Miller (2008, p 31) points out: "by allowing empirical claims to influence the way principles are formulated, we run the risk that our political philosophy becomes too conservative, adapting itself to aspects of human existence that may be contingent, and therefore potentially alterable"[12]. Indeed, the very point of political philosophy can be seen as one of making creative (and well-argued) contributions to the general political debate.

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[8] To be sure, one must not be naive about the possibility of addressing biases and prejudices through deliberation, especially under non-ideal circumstances, see section 3.7.

[9] Although I find it difficult to see what other principles and values could override this principle, cf. footnote 67.

[10] One could argue, for example, that a minimalist version of democracy is compatible with the principle of reciprocity, without thereby committing a logical error.

[11] See also Adam Swift and Stuart White (2008, p 56): "Where political theorists do want to assess and recommend policy options, they need to be willing to engage with, and able to understand, the relevant social-scientific evidence".

[12] Cf. G.A. Cohen's (2008) critique of Rawls's theory of justice. Of course, what is contingent or not is partly a question of historical development; in the near future, even human nature may become fundamentally alterable.

1.4. Some Clarifications

Here, I would like to clarify two things, namely the geographical context of this thesis and the concepts of religion and culture. Beginning with the geographical context, I have tried to avoid specifying any particular nation state or region to which the argumentation and discussions apply. Nevertheless, my argumentation is relevant primarily for developed nation states which are liberal democracies and where citizens are divided in their beliefs and values. When I use empirical examples, these are mostly about/from Sweden – the context with which I am personally familiar – and the United States, the most common referent in the political-philosophical literature on the subject.

The concept of "religion" (or a "religious tradition") refers here to a set of beliefs, practices, symbols and rituals which guide and give meaning to human beings and at least partially relate to a non-physical dimension of gods, spirits, invisible powers etc. (cf. Modée 2006, p 29). My focus is on the cognitive side of religion, i.e. on beliefs and doctrines rather than on practices and rituals, and I will – for the sake of argumentative clarity – portray these as more coherent than they often are in reality. I do not think that this use of the concept of religion invalidates my arguments and discussions (cf. footnote 33).

Regarding the concept of "culture", let me start by quoting Amy Gutmann (2003, p 40):

> a culture constitutes and constrains the identities (and therefore the lives) of its members by providing them with a common language, history, institutions of socialization, range of occupations, lifestyles, distinctive literary and artistic traditions, architectural styles, music, dress, ceremonies and holidays, and customs that are shared by an intergenerational community that occupies a distinct territory, Actual cultures encompass the lives of their members in many of these ways but not necessarily all.

I largely agree with this definition although I think it misses the importance of cultural beliefs and values, which may overlap with religion. Also, as with religious traditions, cultures are often less than fully (or even partially) coherent and I would argue that they can survive and exist without their members occupying a distinct territory (whether large or small), even when they originally developed among people sharing a geographical location.

1.5. Overview

In Chapter 2, I discuss the views and arguments of four philosophers who represent three different positions in the political-philosophical debate on how to understand the normative basis and the scope of democracy in a pluralist society where persons differ in their moral, religious and philosophical beliefs. The purpose is to introduce the reader to this debate and to introduce a certain terminology, as well as some key ideas, which will be of importance for the following chapters. In Chapter 3, I suggest that democracy is based on a principle of reciprocity and proceed to draw out some consequences for democratic theory and practice, for example when it comes to the question of individual rights and the virtues characterizing democratic citizens. The results of this chapter provide a framework for the arguments and discussions in Chapters 4, 5 and 6. In Chapter 4, I argue for a mandatory citizenship education (MCE) for all children and make some suggestions about the content of this education, on the basis of previous chapters. The latter half of the chapter consists of a more detailed discussion of MCE in relation to four issues where questions of pluralism in education are central. In Chapter 5, I argue for children's rights to develop personal autonomy. I develop a concept of personal autonomy which is compatible with respect for pluralism and the social aspects of human existence, and with a limited version of parental rights in education. I also examine the relation between MCE and an autonomy-promoting education. In Chapter 6, I discuss the compatibility of MCE and children's rights to develop personal autonomy with a system of school choice which lets parents and children choose which school the children attend.

2. Democracy, pluralism and community

2.1. Introduction

In this chapter, I discuss the views and arguments of four philosophers (William Galston, John Rawls, Jürgen Habermas, Michael Sandel) who represent three different positions (liberalism, deliberative democracy and communitarianism)[13] in the political-philosophical debate on how to understand the normative basis and the scope of democracy in a pluralist society where persons differ in their moral, religious and philosophical beliefs. The purpose is to introduce the reader to this debate and to introduce a certain terminology, as well as some key ideas, which will be of importance for the following chapters. For example, I will take up Rawls's ideas of an overlapping consensus and reasonable pluralism, and Habermas's view on the relation between democracy and individual rights, in Chapter 3, while positioning myself against Galston's view on individual rights and Sandel's view of a democratic society built on a shared view of the good life and a common comprehensive (thick) culture.

2.2. William Galston and liberal pluralism

William Galston is an American philosopher with practical experience from the world of politics as an advisor in the Clinton administration. In *Liberal Pluralism* (2002) and *The Practice of Liberal Pluralism* (2005) he develops and defends a liberal theory of politics, one that is similar to Rawls's political liberalism in that it starts from the fact of pluralism, although it differs in other aspects. Apart from differences in content one can find stylistic differences between these two philosophers; whereas Rawls's argumentation is largely dependent on stipulations and thought experiments, Galston is more empirically minded, providing concrete examples from a (mostly American) practical reality. To a great extent these examples concern education and it is therefore not surprising that Galston's writings have been acknowledged by educational philosophers lately[14]. In this section, however, I will focus on the general parts of his political philosophy and leave the discussions about education to later chapters.

According to Galston (2002, 2005), the theory of liberal pluralism is a liberalism where the value of tolerance is central, rather than the value of

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[13] A fourth position – multiculturalism – will be introduced and discussed in relation to specific issues in Chapters 4, 5 and 6.

[14] See the special issue on Galston's philosophy in *Theory and Research in Education* (2006, 4(3)).

individual autonomy. This version of liberalism originated with the Reformation as a response to the perceived need of finding political solutions to the problem of recurring, and often violent, conflicts between different cultural and religious groups. One solution that was proposed by many liberals, and one that Galston defends, was to construct a common political framework within which groups and individuals are left to live their lives as they wish, as long as they let others do the same. Galston contrasts this solution with a different type of liberalism which originated with the Enlightenment and was supported by John Locke and John Stuart Mill among others. Central to this Enlightenment liberalism is the idea of an autonomous individual with the capacity to critically reflect over different matters and make up his (or her, although the Enlightenment subject tended to be a grown up male[15]) own mind. While personally appreciating the ideal of individual autonomy, Galston nevertheless rejects it as a basis for coexistence in a pluralistic society, since it would exclude those cultural and/or religious groups who consider the ideal of autonomy less important or even dismiss it (2002, p 20-24).

To understand Galston's theory of liberal pluralism one needs to grasp his starting point in the meta-ethical[16] doctrine of value pluralism. According to this doctrine, there are many different objective values which are often incompatible (they cannot be fully attained at the same time) and sometimes incommensurable (they cannot be compared and measured against each other in any precise way) (2002, p 29-37; 2005, p 11-22)[17]. Consider the relation between personal integrity and collective security: both values seem genuine (we want personal integrity and we want to be secure), but they are incompatible (unlimited personal integrity means less collective security, since some individuals might use their privacy to plan and commit crimes or terrorist acts) and perhaps also incommensurable (it is not obvious how we are to choose or compromise between them). Similar conflicts arise between negative freedom and equality, justice and care, equal opportunities and equal outcomes, cultural diversity and equality

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[15] See Moller Okin 1979.

[16] By "meta-ethical" I mean a higher order theory about the possibility of moral knowledge, what moral values are and so forth, rather than any determinate account of what is morally right or wrong (what could be called a moral theory).

[17] Note that incommensurability in this version differs from the thesis that human beings inhabit radically different worlds, or use different "conceptual schemes", and therefore cannot access or understand value systems, languages or cultures other than their own (for an influential critique of this thesis, see Davidson 2001). According to value pluralists the difficulties lie not in understanding but in comparing and weighing different values.

between the sexes, freedom of speech and the right to be treated with respect, to mention some examples.

One way of solving these conflicts is to deny that all of the values involved are objective/genuine. Another way is to deny that they are incompatible[18]. A third option is to deny that they are incommensurable, either by claiming that one value is generally overriding (for example justice) or that there is a meta-value (for example utility) into which all other values can be translated and therefore be compared. Galston (2002, p 33) is skeptical of these attempts and thinks that they violate our intuitions. But neither do our intuitions support the idea that "anything goes". Instead, he argues that human nature sets certain broad limits to what can be considered morally reasonable: "Some goods are basic in the sense that they form part of any choiceworthy conception of a human life. To be deprived of such goods is to be forced to endure the great evils of existence" (2002, p 6). Examples of such great evils include genocide, mass starvation and deadly epidemics (2005, p 3). Furthermore, beyond this sphere of basic goods, he considers it possible to make informed choices between conflicting values, although not through algorithmic reasoning, as in some versions of utilitarianism, but rather through reasons which are tied to specific cases or contexts (2002, p 7).

Against the backdrop of value pluralism Galston defends a liberal democratic model of society, where people are left to live according to their own beliefs and values, within limits that are motivated by the need to minimize the risk of great evils. Only in a liberal democracy, he argues, where there is freedom of the press and popular control of government, can this risk realistically be avoided (2002, p 4, 63). Hence the "liberal" part of liberal pluralism, but why tolerance of pluralism? It would seem that the doctrine of value pluralism, as interpreted by Galston, gives no general reasons to prefer tolerance to those values that characterize homogenous communities (for example, security and a sense of belonging), as long as this homogeneity is not created or upheld through the use of radically illiberal means, which would result in great evils. In order to avoid this objection, Galston (2005, p 57-58) employs an indirect argument, which avoids assuming that pluralism is a higher order value: given that the use of political coercion is only legitimate when it can be justified to those who are subjected to it, and given that value pluralism makes it difficult or impossible to justify specific political proposals (as long as great evils are not involved), the state generally lack good reasons to interfere

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[18] See, for example, Ronald Dworkin's (1999) attempt to harmonize the values of liberty and equality.

with the private lives of citizens. This argument grounds a presumption of expressive liberty:

> Liberalism requires a robust though rebuttable presumption in favor of individuals and groups leading their lives as they see fit, within a broad range of legitimate variation, in accordance with their understanding of what gives life meaning and value (Galston 2002, p 3).

In defending this presumption, Galston (2002, p 29) adds another more positive argument in favor of toleration:

> Expressive liberty is an important value because for most people, it is a precondition for leading lives they can experience as complete and satisfying. Part of what it means to have sincere beliefs about how one should live is the desire to live in accordance with them.

By now it should be clear why Galston rejects a liberalism starting from the value of autonomy: because of value pluralism, autonomy cannot be considered a higher order value and may come into conflict with other values. Therefore, a legitimate political order cannot be organized around the value of autonomy. Instead, the state should be tolerant of those illiberal communities where individuals are seen and treated as subordinate to the community (2002, p 21)[19]. It should be mentioned, however, that Galston defends quite strict limits on pluralism in the name of liberal democracy. Among other things, he thinks it necessary to have a common political culture: "Pluralism does not abolish civic unity (…) There is no invisible civic hand that sustains a system of liberty; such a system must be consciously reproduced" (2002, p 10). He also claims that democratic societies need a stable system of law and a somewhat egalitarian economic and social basic structure (p 65-66). Other than this, the state should leave civil society to itself: "beyond the unity required for and provided by shared liberal purposes, the liberal state must allow the fullest possible scope for diversity" (p 24).

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[19] This tolerance has one precondition, namely that individuals have the right to exit any association or community that they belong to, which according to Galston (2002, p 122-123) means that they must have the cognitive and emotional ability to distance themselves from, and critically reflect on, the association or community in question. As critics point out, however, this seems to undermine the claim that liberal pluralism is different from autonomy-based theories of liberalism in any meaningful sense (Brighouse 2004).

2.2.1. Critical Reflections

According to political liberals such as John Rawls and Charles Larmore, among others, political theories should avoid controversial assumptions regarding moral truth, human nature and so on. The reason for this is that democratic legitimacy depends on citizens' free assent to the political order, which means the political order itself must be based on ideas which reasonable persons can agree upon. The problem with Galston's liberal pluralism, according to this view, is that it involves assumptions which cannot be agreed upon by all citizens:

> Whether true or false, pluralism [the doctrine of value pluralism, JR] is an eminently controversial doctrine. It has been, as Berlin has emphasized, a peripheral view in the history of Western thought. It is incompatible with the religious orthodoxies that have sought in God the single, ultimately harmonious origin of good. (Larmore 1996, p 154; see also Gaus 2003, p 51)

Galston (2002, p 44-47) answers this criticism by questioning the political liberal concern of avoiding controversial assumptions, and the associated belief that it is possible and/or desirable to develop a "freestanding", or neutral, political theory. One need not be a political liberal, however, to question Galston's use of highly controversial assumptions such as the doctrine of value pluralism[20], and the far-reaching conclusions he draws from these, not least when it comes to limiting the democratic sphere and prioritizing expressive/negative liberties.

Another, more fundamental, question concerns the relation between the doctrine of value pluralism and Galston's liberal pluralism. As we have seen, Galston defends a presumption of expressive liberty on the grounds that political coercion stands in need of being justified to those who are subjected to it, something which is made difficult by the existence of value pluralism. He also adds a positive argument about the human wish to live according to one's own values. But where do these ideas – about political legitimacy and human nature – come from? It seems that Galston's liberal pluralism presupposes certain liberal ideas/principles which do not neces-

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[20] The doctrine of value pluralism is incompatible not just with many religious traditions, as Larmore (1996, p 154) notes, but also with most secular moral theories. From the perspective of these theories, the incompatibility of different values could be seen as only apparent, or temporary (in an imperfect world), or as potentially solvable through sustained rational deliberation.

sarily follow from the doctrine of value pluralism (Talisse 2004, p 67)[21]. On the contrary, this doctrine could support a very different conclusion: that we should accept extensive limitations on individual rights, in order to, say, heighten our security or strengthen our community, as long as no great evils are caused by this. Galston may be right that great evils are more prevalent in non-democratic regimes than in democratic ones, and that democracy is thereby justified; he has not, however, provided any obvious reasons why his own liberal pluralist model is superior to other democratic alternatives where there is much less space for diversity and negative liberty.

One way for Galston to avoid these two points of criticism – that he is too "metaphysically ambitious" and that his theory of liberal pluralism cannot be derived from the doctrine of value pluralism – would be to embrace a more proceduralist model of democracy, with fewer assumptions about moral reality and less substantive content (in particular concerning the space for diversity and negative liberty). If the doctrine of value pluralism is correct, there is a fair chance that Galston's model would be enacted anyway – but through a democratic decision, rather than through the dictates of political philosophy (Gutmann & Thompson 1999, p 252-253). According to Galston (2005), democracy is "inherently limited" (p 42) and "legitimate to the extent that it recognizes and observes the principled limits to the exercise of democratic power" (p 65). But who is to decide what these limits are, if not the people[22]? Even if we were to grant Galston that the doctrine of value pluralism is true, and should guide our thinking about democracy, there appears to be little certainty as to what these limits are. In the end, liberal pluralism is just one option among many others.

2.3. John Rawls and political liberalism

John Rawls's *A Theory of Justice* (1971, henceforth AJ) is often credited with having revitalized the subject of political philosophy and setting the terms of the debate since its publication. In this work, Rawls constructs a theory of justice on the basis of a thought experiment in which rational and self-interested individuals choose – under conditions ruling out information about their social position, among other things – how their society

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[21] Cf. McKinnon (2006, p 57): "the thesis of incommensurability can establish the requirement to be tolerant only in conjunction with an additional normative premise which explains what it is about imposition that is objectionable".

[22] In section 3.4., I will argue that there are principled limits to democratic decision-making, but that these limits follow from the principle of reciprocity underlying democracy rather than from a source which is external in relation to democracy.

should be organized. He also develops a certain methodology for political philosophy (see section 1.3.).

In the debate following the publication of AJ, Rawls gradually modified his position, and in 1993 he published *Political Liberalism* (2005, henceforth PL), presenting a revised version of the original theory. There have been speculations about whether or not these changes were made in response to the communitarian critique of his original theory (and of liberalism in general, see Mulhall & Swift 2003). According to Rawls (2005, p xvi-xx) himself, the reason was rather that he came to realize the depth and importance of pluralism, and the problems this posed for the legitimacy of his theory of justice[23]. In PL he starts from what he calls "the fact of reasonable pluralism"[24], i.e. the idea that pluralism is a natural outcome of the free exercise of human reason rather than a result of ignorance, selfishness, sinfulness and/or unreasonableness, as has sometimes been claimed (Rawls 2005, p 58). In particular, persons can be expected to disagree when it comes to "deep" metaphysical questions concerning the meaning of life, the existence or non-existence of God, human nature (other than basic biological facts) and so on. Given this deep and reasonable disagreement, it seems unlikely that a comprehensive theory of justice could govern the basic structure of a democratic society without being dependent on illegitimate means such as threat of violence or propaganda in order to contain or overcome pluralism: "a continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power" (p 37). There is a way out of the dilemma, Rawls argues, and that is to revise the theory of justice by removing all comprehensive/controversial elements – including claims about moral truth and human nature – until what remains can be the object of what he calls an "overlapping consensus" among reasonable per-

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[23] Rawls is using the concept of stability rather than legitimacy, but there is little difference between traditional notions of democratic legitimacy and his idea that a society must be stable for the right reasons, i.e. because reasonable persons can be expected to give their free assent to it.

[24] The Kantian concept of "reasonableness" is prominent in Rawls's writings, and refers to the human capacity for moral and political judgment, as opposed to "rationality" which designates the capacity to choose the best means to fulfill some unquestioned, moral or immoral, end (2005, p 48-54).

sons who adhere to different reasonable comprehensive doctrines[25]. According to Rawls, a reasonable person accepts the liberal principle of legitimacy, which says that

> [the] exercise of political power is fully proper only when it is exercised in accordance with a constitution, the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason (2005, p 137)[26]

Another attribute of a reasonable person is that he or she accepts the fact of reasonable pluralism, as stated above (p 56, 61)[27]. The theory of justice will be the object of an overlapping consensus if – in its freestanding or "political" (as opposed to comprehensive or metaphysical) version – it can be supported by all reasonable persons, for moral reasons that may differ between these persons: "It is left to the citizens individually – as part of their liberty of conscience – to settle how they think the values of the political domain are related to other values in their comprehensive doctrine" (p 140). Thus, a Catholic could support the theory of justice as part of his/her belief that human beings are equal before God, while a utilitarian may decide, upon calculation, that the theory of justice will lead to more utility, however defined, than alternative models for organizing society. The idea of an overlapping consensus differs both from a communitarian ideal of society based on a shared worldview and from a modus vivendi arrangement whereby persons support the theory of justice for pragmatic (in a pejorative sense of the word) rather than for moral reasons, i.e. not on principle but because they happen to lack the power, for the moment, to simply force their will on their political adversaries (p 145-149).

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[25] In Rawls's terminology a comprehensive doctrine is a doctrine which involves a particular way of viewing the world, and of ordering different moral values, and which has a certain stability over time, although it can change through the creative work of its adherents (2005, p 59). The typical example of a comprehensive doctrine is a religious tradition of some kind. A *reasonable* comprehensive doctrine is a comprehensive doctrine which is compatible with the liberal principle of legitimacy (see the quote that follows in the main text).

[26] See also p 60: "reasonable persons will think it unreasonable to use political power, should they possess it, to repress comprehensive views that are not unreasonable, though different from their own".

[27] Or rather, that he/she accepts what Rawls calls the burdens of judgment, which in turn explain the fact of reasonable pluralism. See section 3.5. for a discussion of the burdens of judgment.

Unfortunately, Rawls is not entirely clear on the question of what belongs in the overlapping consensus. One interpretation – which I have assumed so far – is that he keeps his original theory of justice, but reformulates it so that comprehensive and controversial elements are avoided. Another interpretation is that he turns his original theory into an option among many different theories of justice, and allows for the possibility of some other such theory being the object of an overlapping consensus. Some passages in PL suggest this latter interpretation:

> Accepting the idea of public reason and its principle of legitimacy emphatically does not mean, then, accepting a particular liberal conception of justice down to the last details of the principles defining its content. We may differ about these principles and still agree in accepting a conception's more general features. […] The view I have called 'justice as fairness' is but one example of a liberal political conception; its specific content is not definitive of such a view (2005, p 226)[28].

Cf. Thomas Scanlon (2003, p 162):

> [W]hen Rawls emphasizes in his later writings that constitutional essentials and questions of basic justice are to be settled by appealing to these 'political values', it may seem that his own doctrine, justice as fairness, and his two principles of justice have receded into the background, or perhaps even been replaced.

What is clear is that the overlapping consensus is limited to "questions about constitutional essentials and matters of basic justice" (Rawls 2005, p 138), i.e. the specification and distribution of rights, obligations and material resources. When debating these matters in a public forum (as opposed to what Rawls calls "the background culture"), citizens should restrict themselves to using ideas and values which belong to the overlapping consensus, or "reasoning found in common sense, and the methods and conclusions of science when these are not controversial" (p 224). This demand follows from the liberal principle of legitimacy: since we cannot – due to the fact of reasonable pluralism – reasonably expect other persons to share our comprehensive beliefs, we should refrain from invoking them when debating those fundamental political issues that belong to the overlapping consensus. It would be admissible, then, to argue against free speech for reasons that are widely shared and agreed upon (such as the value of col-

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[28] Also see p 451: "Political liberalism, then, does not try to fix public reason once and for all in the form of one favored political conception of justice".

lective security), but not for reasons that are exclusively associated with particular comprehensive doctrines (for example, religious, or feminist, concerns about pornography). Once the overlapping consensus has taken shape and the fundamental issues have been decided, these issues should be taken off the political agenda and be considered as "correctly settled once and for all" (p 151)[29].

Finally, something needs to be said about the ontological and epistemological status of the overlapping consensus. Rawls is careful to point out that he makes no claims to truth, although he suggests the content of the overlapping consensus will – by logical implication – be true if any one of the supporting comprehensive doctrines is true (p 128-129). Instead, the content of the overlapping consensus should be regarded as freestanding from metaphysical elements, including contested ontological and epistemological claims, since only a freestanding theory of justice can be legitimate (win the assent of all reasonable persons) in a society marked by the fact of reasonable pluralism[30]. But what then is the source of this content? Again, several interpretations are possible. One interpretation is that Rawls abandons all universalist claims and takes on the role of a hermeneutic interpreter of the shared political culture in contemporary liberal democracies, in particular the United States (Rorty 1996)[31]. The content of the overlapping consensus is then determined by what can be found in this political culture, and PL has little to say about what justice demands in societies which are not already liberal democracies. Another interpretation is that the content of the overlapping consensus is decided on normative grounds, which are linked to, but not wholly derived from, the political culture of democratic societies, which means PL retains some of the universalism of Rawls's ear-

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[29] It is not clear if Rawls thinks that *all* issues which belong to the domain of the overlapping consensus should be taken off the agenda once they have been decided upon, or only some of them. If all issues are taken off the agenda, it would seem quite unnecessary to devote as much space as he does to the idea of public reason, which would be of little use to future citizens living in a society where all fundamental issues have already been decided.

[30] Rawls explicitly rejects the (meta-ethical and ontological) doctrine of value pluralism as an appropriate basis for a theory of justice (2005, p 57).

[31] See, for example, p 13: "[The content of the overlapping consensus] is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society".

lier works (Larmore 1996, p 147-149)[32]. I will discuss this issue further in the following section.

2.3.1. Critical Reflections

There is already a vast secondary literature on PL, and I will focus on two areas which I find especially problematic: 1. the possibility and/or desirability of a freestanding political theory and 2. the relation between political liberalism and democracy. Starting with the first issue, PL has met criticism for its avoidance of truth claims and the idea that political philosophers should limit themselves to interpreting and making systematic the beliefs which can be found within existing societies (liberal democratic or not). Galston (2002, p 45-47) argues that Rawls's avoidance of controversial philosophical ideas stems from a conflation of religion and philosophy: it may well be that we cannot solve religious disputes though rational argumentation, but perhaps philosophy is different? Political philosophy should aim for rational agreement and not limit itself to the search for immediate, practical answers which will offend no one. Similarly, Attracta Ingram (1996) has accused Rawls of taking liberal democracy for granted, instead of seeing it as the outcome of a historical struggle in which people fought for ideals they believed to be true. Without such convictions, there would be no liberal democracies today, and hence no political liberalism. In contrast, PL does not help "liberal agents in aspiring democracies which lack the public culture of shared implicit ideas on which it is built … [and] it may also undermine the defense of liberal institutions against illiberal forces in an existing liberal society" (Ingram 1996, p 151). This critique presupposes a contextualist/relativist interpretation of PL, and as we have seen, there are other possible interpretations. Habermas (2000, p 60) claims that Rawls is simply taking his starting point in the political culture of contemporary liberal democracies, but then reconstructs the ideas and principles found in this culture through philosophical argumentation. According to Larmore (1996, p 147-149), Rawls keeps the idea of rational agreement but severs the link to truth claims about an independent moral order, so that persons can rationally agree about the correctness of a particular theory of justice without agreeing on a comprehensive framework telling them why this particular theory is correct.

Another critique is that political liberalism involves controversial ideas, contrary to Rawls's suggestion. How can the political liberal answer

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[32] See, for example, p 40 in PL, where Rawls claims to elaborate "a political conception [of justice] as a freestanding view working from the fundamental idea of society as a fair system of cooperation and its companion ideas".

the committed utilitarian, who thinks that utilitarianism is true and that society should be organized on the basis of utilitarian principles, without invoking epistemological ideas (such as the fact of reasonable pluralism) which are anything but uncontroversial (Talisse 2004, p 58-62)? Or, to give another example: is the difference principle – which says that inequality is justified only if it benefits the worst-off members in society – uncontroversial? Surely not, considering that most persons seem to hold very different ideas about justice, involving notions of desert and merit (Miller 2001). The strength of this latter argument depends on one's interpretation of PL: the more substantial content Rawls squeezes into the overlapping consensus (is the difference principle included or not?), the less plausible is his claim to neutrality. This question of interpretation is also central to the second kind of criticism which I will now discuss, namely the relation between political liberalism and democracy.

Like other versions of liberalism, political liberalism may be considered problematic from a (more radical) democratic perspective, in so far as it removes certain issues from the political agenda. If one interprets Rawls as wanting to keep his entire original theory of justice in PL, then very little is left for citizens to decide, other than how to fit this theory into their own comprehensive doctrines (Habermas 2000, p 69-70). But even if one does not interpret Rawls in this way, there is still a strong tendency of limiting the political agenda in his account. PL responds to the fact of reasonable pluralism by abstracting from the ideas and values dividing people until only those ideas and values remain which everyone already agrees upon (when it comes to certain fundamental issues). Those ideas and values which cannot be part of an overlapping consensus are excluded from political consideration. But how can we know what is held in common and what is not, before deliberating and trying to reach an agreement? As Rainer Forst (2002, p 99) points out, "[p]ublic justification must be conducted not prior to but within discourses". There is also a risk that political liberalism leads to conservatism when no controversial and/or new ideas and values are allowed into the political debate on fundamental issues. This, in turn, could undermine Rawls's claim that political liberalism increases the stability of society, in so far as some persons may feel that they cannot say what they want to say, outside of the background culture, and therefore react with anger and frustration (Maclure 2006, p 56). Finally, even if citizens limit themselves to ideas and values which are held in common, many political issues could prove difficult or impossible to solve in practice, since the shared ideas and values may be too few, too abstract, or incompatible with each other. The fact of reasonable pluralism, as identified by Rawls, seems to contradict his belief in the possibility of solving

fundamental issues once and for all on the basis of commonly held values and beliefs.

To conclude, PL is a provocative and original statement of why and how pluralism matters for political philosophy, and contains an innovative – if perhaps incoherent – response to the question of how a just society is possible under conditions of reasonable pluralism. In my view, there are two revisions, or clarifications (depending on how one interprets PL), that could be made to strengthen the theory of political liberalism. The first has to do with the question of relativism: by explicitly starting from normative principles rather than the political culture of a given society, Rawls would avoid accusations of relativism. A freestanding/political theory of justice would then be defined as a theory which is compatible with many different comprehensive doctrines, within limits set by normative considerations, rather than as a theory which refrains from all claims to normative truth/reasonableness. A second revision, or clarification, would be to limit the content of the overlapping consensus to a few procedural principles, thereby avoiding problems of conservatism (since any political ideas and values may be debated and the only constraints are of a procedural kind), while providing better resources for solving difficult issues (since the pool of admissible ideas and values is larger) and a less restricted role for democratic decision-making (cf. Forst 2002, p 99)[33].

2.4. Jürgen Habermas and deliberative democracy

Jürgen Habermas is one of the most influential philosophers today and has contributed to a large number of academic fields, including social philosophy, political philosophy, moral philosophy, philosophy of law, philosophy of language, epistemology, aesthetics and theology. In this section I will focus on his political-philosophical works and mostly leave out related

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[33] There are two further problems concerning PL which deserve to be mentioned. The first has to do with the claim that citizens should refrain from introducing their comprehensive views when deliberating in the public forum. I will criticize this idea in section 3.6. The second concerns the notion of clearly delineated worldviews (comprehensive doctrines), which determine the metaphysical and political commitments of individuals. Rawls (2005, p 13) concedes that comprehensive doctrines will often only be "partially comprehensive" and "rather loosely articulated", but in my view this is still too idealized a picture: in pluralist societies there are no clear boundaries between different religious and philosophical traditions, and individuals will seldom subscribe to any single, coherent doctrine (Suissa 2010). This critique does not invalidate Rawls's main concerns in PL, however. The question of how to ensure democratic stability/legitimacy in a pluralist society remains even if people's beliefs are unclear, contradictory and derived from many different traditions.

writings on topics such as modernity, discourse ethics and law. This means that the discussion will revolve around the political philosophy he has presented in *Between Facts and Norms* (1998, henceforth BFN), together with some later articles which can be found in *The Inclusion of the Other* (2000) and *Between Naturalism and Religion* (2008).

The title of BFN reflects a fundamental concern running through Habermas's political philosophy, and his broader social philosophy: the tension between how things are and how they should ideally be. In BFN this tension is located to the relation between the day-to-day functioning of the democratic state and the idea of legitimacy which underpins it. Habermas (1998, Chapter 2) notes that there are two dominant perspectives in the study of law and democracy: one that focuses on the state as a functional system governed by strategic interactions (legal positivism), and another that focuses on questions of political legitimacy (political philosophy). Habermas finds both perspectives valuable, but in need of complementation. Legal positivists, on the one hand, pay attention to the strategic dimensions of the state – the mechanical reproduction of the system by bureaucrats, the self-serving actions of politicians and so on – but fail to acknowledge the importance of legitimacy if the system is to survive in the long run. Normative political philosophers, on the other hand, are mostly preoccupied with questions of legitimacy – what (if anything) makes political coercion legitimate – but overlook the prevalence and importance of systemic factors in political life. Political philosophers would also be well advised to focus more on legality and not just on legitimacy, Habermas argues, since political decisions must be legally institutionalized and sanctioned by threats of coercion to be effective (1998, p 43, 66)[34]. This is especially true for modern, pluralist societies where the overarching social norms are weak and conventional morality is in decline. Habermas stresses that it should be possible for citizens to follow the law for strategic reasons, i.e. in order to avoid punishment, and not only because they consider the law to be a morally correct outcome of rational, democratic procedures (p 115-116).

Nevertheless, it is obvious that he prefers a situation in which citizens can see themselves not only as the recipients of the law, but also as its authors. This notion of popular sovereignty is found in most democratic

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[34] According to Gordon Finlayson (2005, p 106-107), this marks a turn in Habermas's philosophy, away from the idea that modern societies can be integrated through communication alone. Compared to his earlier works, where the political system was seen as a threat to the life-world of civil society, and where Habermas ended up in a utopian and vaguely anarchist standpoint, BFN expresses a more optimistic view of the state and the political system in general.

theories, albeit in different interpretations. Habermas distances himself from the republican view of sovereignty as a kind of substance ("the Will of the People") which is unchanging and simply awaits implementation, as well as the classical liberal[35] view of sovereignty as the right of the majority to rule (within limits) according to their aggregated individual preferences. Instead, he defends a proceduralist interpretation of sovereignty, where it is seen as "sublimated into the elusive interactions between culturally mobilized public spheres and a will-formation institutionalized according to the rule of law" (1998, p 486), i.e. where the people are seen as sovereign in so far as they are free to participate in discourses in the public sphere, and the political system is responsive in relation to these discourses when the laws are being formulated and decided. He agrees with republicans about the need for solidarity between citizens if democracy is to prosper and survive, but distances himself from their tendency to interpret this concept in ethical, or even ethnical, terms. Pluralist societies cannot be integrated on the basis of a shared vision of the good life, Habermas argues, but only through procedural, democratic values which are affirmed by all citizens together (1998, p 282-286; 2000, p 245-250). He is also critical of the classical liberal view of politics as an aggregation of individual preferences: without deliberative processes, allowing citizens to learn from each other and to strive for rationally motivated agreements, politics is reduced to a mere power play and loses its rationalizing and legitimating potential. Finally, Habermas affirms the importance of individual rights, *contra* republicans, but understands these, *contra* classical liberalism, as internally related to democracy and not derived from some external source (such as God or Nature): "the sought-for internal relation between popular sovereignty and human rights consists in the fact that the system of rights states precisely the conditions under which the forms of communication necessary for the genesis of legitimate law can be legally institutionalized" (1998, p 104). Popular sovereignty, then, demands an autonomous and constitutionally protected public sphere where individuals are free to deliberate with each other, and even to withdraw from deliberation if they wish[36].

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[35] From Habermas's discussion of liberalism it is clear, I think, that he is referring to classical liberalism, or present day libertarianism, rather than contemporary liberal political philosophy. This reading is supported by his claim that Rawls and Dworkin are not targeted by his criticism (1998, p 549).

[36] There are also other conditions which must be met, such as an absence of large economic and social inequalities (1998, p 122-130). In the terminology of T.H. Marshall (1949/1964), Habermas includes civil, political and social rights among those individual rights which he considers are necessary for democracy to exist.

Without going into detail on how Habermas's political philosophy relates to his moral philosophy, it should be noted that the former is connected to the latter: the so-called principle of democracy – stating that "[o]nly those laws count as legitimate to which all members of the legal community can assent in a discursive process of legislation that has in turn been legally constituted" (1998, p 110) – is a special case of the "D-principle" in his discourse ethics, as applied to a particular legal community. Hence, democracy, like discourse ethics, is ultimately justified through reference to certain communicative presuppositions in human interaction which Habermas (1985) claims cannot, as a matter of logic, be denied intersubjectively[37]. On the whole, his political philosophy is more tailored to empirical circumstances than is his moral philosophy. He is careful to show that his account of democracy is compatible with the sociological account of politics as a functional system. He also affirms the idea of representative democracy: it is important that the "sluices" between the informal public sphere and the formal public sphere of parliaments and courts are kept open, but the former must not invade the latter (1998, Chapter 8). Another sign of realism can be seen in the definition of the principle of democracy, where it is possible ("can assent") rather than actual assent which matters: politics cannot be completely purged of disagreement, but those who disagree with a particular outcome must be able to see that the system as a whole is geared towards rational and fair outcomes.

As Mikael Carleheden (2007, p 116) notes, Habermas's theory of democracy is society- rather than state- or individual-centered. He often seems more concerned with streams of subject-less communication flowing through civil society than with individuals, and focuses on civil society and the public sphere and their interaction with formal political institutions rather than on the state alone. When discussing civil society, he regularly draws on his wider theory of modernity and the rationalization of society, i.e. the idea that a previously integrated whole disintegrates into several autonomous spheres (politics, economy, science, art, religion, morality), where religion loses influence to science (over people's world views, leading to what Habermas calls a post-metaphysical thinking) and to morality (when moral norms are increasingly seen as dependent on rational consen-

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[37] It also seems that Habermas thinks democracy could be justified with reference to the epistemic qualities of its decision-making procedures: "The democratic procedure owes its legitimizing power to two components: first, the equal participation of all citizens … and, second, the epistemic dimension of a deliberation that grounds the presumption of rationally acceptable outcomes" (2008, p 121).

sus among those affected rather than as based on divine command, what Habermas calls a post-conventional morality) (1998, p 443, p 469-471; 2008, Chapter 5). Although these processes tend to destabilize modern societies[38], they are also fundamental for democracy to take hold: "deliberative politics is internally connected with contexts of a rationalized lifeworld that meets it halfway" (1998, p 302). In his later works, Habermas (2000, Chapter 4-5) has argued for the necessity of a new kind of political community, where citizens are united on the basis of commonly held democratic principles and values rather than because they share the same ethnic or cultural identity[39]. He suggests that this post-national political community paves the way for a cosmopolitan world society and a global public sphere: "State citizenship and world citizenship forms a continuum whose contours, at least, are already becoming visible" (1998, p 515).

2.4.1. Critical Reflections

Although I sympathize with Habermas's general philosophical project, there are two areas of his political philosophy which I find problematic. The first has to do with his strong notions of consensus and rationality, which can be criticized for being utopian. The second has to do with his view of religion and the relation between religion and politics, which I find problematic given the fact of reasonable pluralism. In this section I will focus on the second area of disagreement, and leave questions about consensus and rationality to Chapter 3, where I develop a deliberative democratic model in dialogue with Habermas and others.

According to Rawls (2005, p 376-380), Habermas's political philosophy is one comprehensive doctrine among others and cannot be the object of an overlapping consensus among persons who differ in their moral, religious and philosophical beliefs. His ideas about secularization, post-metaphysical thinking and post-conventional morality are all highly contestable and cannot be expected to win the assent of all citizens, especially not those who are religious. Similarly, Charles Larmore claims that the idea of post-metaphysical thinking is itself metaphysical and that political philosophy, under conditions of reasonable pluralism, should be silent on the question of human reason and the possibility of religious knowledge:

> [T]he vitality or obsolescence of metaphysical and religious world-views is an issue on which reasonable people tend naturally to disagree. It is fair to observe that none of these conceptions can prove

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[38] See the previous discussion of legality and legitimacy.

[39] I will discuss this idea of a "constitutional patriotism" in section 4.3.2.

authoritative for society as a whole. Yet to go further and say, as Habermas does, that they can no longer figure as objects of rational belief, but only as life styles, means adopting a point of view that itself is party to these disputes. Habermas had misidentified the features of modern experience that is crucially relevant to the basis of political association. The decisive element is not the waning of metaphysical and religious worldviews (though that has occurred). It is instead the recognition that such worldviews, as well as the recurrent postmetaphysical efforts to do without them, are an enduring object of reasonable disagreement (Larmore 1999, p 615).

It is worth noting that Habermas (2004, 2008) has changed his view on religion over time: where he once saw religion as an archaic mode of social integration, he now speaks of its continued importance as a resource for meanings which have been lost in secular societies, and as a force against the instrumentalization of human life caused by technological development. Some commentators even claim to find a "theological turn" in Habermas's philosophy (Harrington 2007). In any case, it is clear that Habermas holds on to the idea of a post-metaphysical thinking and a post-conventional morality, even in his later works:

> With the transition to a pluralism of worldviews in modern society, religion and the ethos rooted in it disintegrate as a public basis of a morality shared by all. At any rate, the validity of universally binding moral rules can no longer be accounted for in terms of reasons and interpretations that presuppose the existence and agency of a transcendent Creator (…) In this new situation, moral philosophy depends on a post-metaphysical level of justification (Habermas 2000, p 10-11).

Underlying this idea of a post-metaphysical thinking is a sharp separation between philosophy and religion, whereby philosophy is seen as making universal truth claims while religion is placed in the category of worldviews which "are measured more by the authenticity of the lifestyles they shape than by the truth of the statements they admit" (2000, p 67). But as Maeve Cooke (2006, p 192) notes, to place religions in this category "would be to ignore their evident universal orientation: their reference to a truth that holds for everyone, everywhere … religious validity claims destabilize the very distinction between universal and non-universal validity claims". Thus, Habermas should distinguish more clearly between his political philosophy and his broader social philosophy: the former can stand alone, and is more compatible with the fact of reasonable pluralism than is the latter. The procedural norms which he defends can be supported by most persons,

regardless of their philosophical and religious commitments and beliefs (or so I will argue). One does not have to accept the idea of a post-metaphysical thinking and a post-conventional morality in order to be a democrat. Therefore I agree with Nicholas Adams (2006, p 176) that "[Habermas's] account is over-explanatory". What is important is that persons – including religious traditionalists – respect basic democratic norms, not that they subscribe to Habermas's view of modernization and secularization[40].

2.5. Michael Sandel and communitarian democracy

In the 1980s, John Rawls's theory of justice, and liberal political philosophy in general, was criticized for being too individualistic and abstractly universal. The critics wrote independently of each other but were soon bundled together under the rubric of "communitarianism". Among these critics are Michael Sandel[41], who is known for his writings on the liberal view of the individual and the possibility/desirability of separating the Right from the Good. The latter criticism in particular is interesting, seen from the perspective of this chapter, since the claim that the state should be neutral regarding questions of the good life, the true faith, and so forth is supported by both Galston, Rawls and Habermas.

Sandel's critique starts from the opposition between deontological (Kantian) and teleological (Aristotelian, utilitarian or perfectionist) moral philosophies. In deontological philosophies, human individuals are seen as autonomous beings that should not merely be treated as a means for some end which they do not share, but as ends in themselves, worthy of respect and equal consideration. Rawls (1971), who is influenced by Kant, also starts from the idea of human autonomy, although he tries to stay clear of what he considers to be controversial ontological/metaphysical assump-

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[40] Another critique of Habermas's political philosophy is that he puts too little emphasis on the moral foundations of democracy (Larmore 1999, p 617-619). As we have seen, he defends democracy through reference to certain communicative presuppositions which he thinks cannot be denied (on pain of a performative contradiction), and the epistemic quality of deliberative decision-making. This defense only works, however, if one accepts his idea of performative contradictions (for a critique, see Talisse 2011, p 130-131) and/or that democratic procedures lead to more rational decisions than, say, a dictatorship of philosopher kings (see section 3.1.).

[41] It should be noted that Sandel himself rejects the label "communitarian", since he thinks it carries unfortunate connotations, such as a disregard for individual rights – which he generally defends, but on different grounds than deontological liberals – and cultural relativism (1998, p ix-xi).

tions and is concerned with questions of societal justice rather than of individual morality. In his theory of justice, individual autonomy is built into the very foundations of the thought experiment which he constructs as a way of answering the question "What is a just society?"[42]. Firstly, individuals are deprived of knowledge of their particular characteristics (natural assets, social class, race, sex etc.) as well as of their particular conceptions of the good (ideas about the meaning of life, the existence of God etc.) in order to secure impartiality. Secondly, they are allowed knowledge about certain general interests/preferences/ends (what Rawls calls "primary goods") that they have and which are shared by all individuals – since without any interests at all it would not be possible to choose[43]. Among these general interests is the interest to protect their human capacity to form, revise and rationally pursue a conception of the good (whatever this conception may be).

The outcome of Rawls's thought experiment is that individuals have certain rights; among these is the right to pursue their own life plans (their own conception of the good). This right is secured partly by depriving individuals in the original position of information about their particular conception of the good – since they do not know whether they will be Muslims, or Christians, or atheists etc.[44], they will want to live in a tolerant society where individuals have the right to pursue their own conception of the good, whatever this may be – and partly by attributing to individuals a fundamental interest in forming, revising and rationally pursuing a conception of the good[45]. In fact, the latter interest grounds not just the right to pursue a conception of the good but also the right to *revise* such a conception. All of this may sound fairly uncontroversial, but as Stephen Mulhall and Adam Swift (2003) argue, the claim that what matters is the freedom of individuals to choose rather than the outcome of their choices (what

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[42] I will not attempt to provide even a cursory overview of Rawls's theory of justice (as it is formulated in TJ), but will limit myself to the essentials that are important for understanding Sandel's critique. The following paragraphs presuppose some knowledge of Rawls's theory on behalf of the reader.

[43] There are also other conditions built into the theory which I do not mention here.

[44] Or what kind of Muslim or Christian they will be, since there are of course many different versions of Islam and Christianity.

[45] Cf. Habermas (1998, p 272), who is also influenced by Kant: "This kind of [post-metaphysical] moral theory refrains from committing itself to substantive conceptions of an exemplary way of life that are supposed to be authoritative for everyone. Having become 'formal' in this respect, morality is exclusively associated with the idea of equal respect and consideration for each person".

they choose) is hardly self-evident – why not, for example, force people to live according to the one true conception of the good life?

According to Sandel (1998a, 1998b), the defense of individual autonomy over and above policies aiming to secure the good life is incoherent and presupposes a faulty view of the human self. Rather than seeing persons as constituted by their deepest beliefs, values and attachments, Rawls's account relies on a view of the self as "unencumbered" by such beliefs, values and attachments. That is, the self is constructed as radically unbound by, and prior to, whatever conceptions of the good and relations to other people that it happens to hold/have at any given moment. Hence, I *am* not a Muslim, or a Christian, or a father, but these identities are contingent upon my choosing to accept or not to accept them (i.e. whether I happen to *have* certain beliefs, certain relations, or not). I would, at a fundamental level, be the very same person even if I held different religious beliefs, or if I had no children. If this is true, we cannot "be claimed by ends we have not chosen – ends given by nature or God, for example, or by our identities as members of families, peoples, cultures, or traditions" (Sandel 1998b, p 322). According to Sandel (1998a, p 179), this view of the individual is not just implausible but is also unattractive from a normative standpoint: "To imagine a person incapable of constitutive attachments such as these is not to conceive an ideally free and rational agent, but to imagine a person wholly without character, without moral depth".

In his later works, Sandel (1998b) ties this critique of the liberal view of the self to a broader criticism of liberal societies, or what he calls "procedural republics". His examples mostly concern present-day America, but the general critique is aimed at any society where deontological liberalism is the "public philosophy"[46]. The basic idea behind a procedural republic is that the state should be neutral in relation to the different conceptions of the good that the citizens have (or may choose), rather than promote one particular conception of the good (what Sandel vaguely refers to as "the common good"). In other words, respect for individual autonomy (the Right) is considered to be prior to the promotion of the common good (the Good), just as the subject is seen as prior to any beliefs, values and attachments it happens to hold/have. The consequence is that the notion of individual duties – other than respecting other person's freedom to choose – disappears, while individual rights are celebrated and prioritized over all

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[46] With this expression Sandel refers to "the political theory implicit in practice, the assumptions about citizenship and freedom that informs our public life" (1998b, p 4).

rival claims and ends. This, in turn, leads to a political culture of selfishness, where no one is looking out for the common good, and where suspicion and a lack of trust grow, and the public discourse is turned into a beauty contest between individual politicians and/or a hostile exchange of threats and accusations. Ironically, Sandel (1998b, p 322) notes, the alienation and frustration which the procedural republic generates helps fundamentalist and decidedly illiberal movements to grow, since these are the only places where the idea of a common good, over and above the good of private individuals, is being upheld. In the end, then, the procedural republic seems doomed to collapse due to its own internal weaknesses, since it is unable to generate the basic solidarity and commitment that all societies, including procedural republics, need to survive in the long run (p 6).

Sandel's preferred alternative to the procedural republic is a society based on an older American tradition of republicanism, where citizens are seen as united in the pursuit of a common good. This tradition is teleological and perfectionist rather than deontological, which means the Right is considered to be subordinate to, or dependent on, the Good: "the case for recognizing a right depends on showing that it honors or advances some important human good" (1998a, p xi). Thus, individual rights are contingent rather than absolute, since they are upheld only to the extent that they serve the common good. For example, Sandel claims that the right to free speech is conditional and that there are no good reasons (such as the respect for individual autonomy) to tolerate speech which is harmful to society. The same goes for tolerance in general: "We cannot determine whether tolerance is justified in any given case without passing moral judgment on the practice in question" (1998b, p 20). In discussing religious freedom, Sandel links together this account of rights with his idea of the self as constituted by its deepest attachments and beliefs, when claiming that religious freedom does not follow from any right to individual self-determination but from the value of a religious life (1998a, p xii-xiv; 1998b, p 65-71)[47]. By avoiding the idea of an unencumbered self, and the corresponding notion of religion as a choice, religious freedom is defended in a way that does not violate the beliefs of religious traditionalists: "the relevant right is to perform a duty, not to make a choice" (1998b, p 66).

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[47] It is unclear whether Sandel refers to the value of a religious life for an individual, a particular religious/cultural group or for the society at large. When he explicitly talks about the value of religion, it is first and foremost as schools of democracy where individuals learn to respect the well-being and interests of others (see for example 1998b, p 117).

2.5.1. Critical Reflections

In my view, there are a number of problems concerning Sandel's critique of deontological liberalism and the version of republicanism he defends. To begin with, his characterization of the liberal individual as an "unencumbered self" rests on an implausible interpretation of Rawls and other contemporary liberals. The construction of the individual in the original position is not to be understood as an ontological claim about individuals – a claim that we could strip ourselves of our particular beliefs, values and attachments – but is simply part of a thought experiment designed to ensure neutrality (we can imagine ourselves being a person with different, values and attachments, as well as being situated in a different social and economical position). There is nothing in Rawls's theory to indicate that he considers the self to be prior to its ends in an ontological sense. What is claimed is that the self is prior to its ends in a *normative* sense: there should always be the (legal) possibility for a person to revise or discard his/her present ends and/or to choose new ends. This does not imply that a person can radically detach himself/herself from all of his/her beliefs, values and attachments, but rather that a person is not inevitably tied to any particular beliefs, values and attachments. In Will Kymlicka's (1991, p 52-53, italics removed) formulation:

> What is central ... is not that we can perceive a self prior to its ends, but that we understand ourselves to be prior to our ends in the sense that no end or goal is exempt from possible re-examination. (…) There must always be some ends given with the self when we engage in such reasoning, but it doesn't follow that any particular ends must always be taken as given with the self.

In fact, Sandel (1998b, p 179) himself appears to endorse this view: "As a self-interpreting being, I am able to reflect on my history and in this sense to distance myself from it, but the distance is always precarious and provisional, the point of reflection never finally secured outside the history itself". This quote implies that there are some – presumably liberal philosophers – who believe it is possible to reflect from a position outside of history, but I know of no such philosophers; certainly, it is not Rawls's view[48]. In the end, then, the difference between a reasonable interpretation of Rawls's and Sandel's views of the subject turns out to be rather small or even non-existent (Kymlicka 1991, p 55).

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[48] According to Rawls, moral reflection always starts from particular intuitions and principles which are then tested in a rational process with the goal of reaching a reflective equilibrium (see section 1.3.).

Sandel also misrepresents contemporary liberal philosophy when he claims that it cannot make sense of individual obligations and common values. Rawls, Kymlicka, Stephen Macedo, Amy Gutmann and many other liberals have written extensively about the need for shared values and dispositions among individuals in a liberal society, in particular civic values/dispositions such as tolerance, solidarity, respect for disagreement, and the ability and willingness to deliberate with others. As Kymlicka (1998, p 139-141) points out, it is unclear what common values Sandel would like to see enforced that are not already favored by most liberals. In a reply to this critique, Sandel (1998c, p 329-330) has provided an example:

> it would be defensible, from the standpoint of republican freedom, to discourage practices that glorify consumerism on the grounds that such practices promote privatized, materialistic habits, enervate civic virtue, and induce a selfish disregard for the public good … From the standpoint of procedural liberalism, by contrast, what matters is fair access to the fruits of consumption.

This is a well-chosen example since most liberals would probably agree with Sandel's negative view of consumerism, and since it does not seem to require any heavy-handed/authoritarian interventions in the lives of individuals. But one wonders where Sandel draws the line between acceptable and unacceptable enforcement of the common good, against the wishes of particular individuals and groups, and on what grounds? And, of course, the problem of identifying what the common good involves (and who decides and on what grounds?), not least in a pluralist society, remains.

The alternative republican model which Sandel puts forward can be questioned on similar grounds. The picture that he paints of a traditional society where everyone is united in pursuing the common good seems unrealistic and overly idyllic, even in theory[49]. Again, in a pluralist society, who is to decide what the good life is and on what grounds? Is there room for dissent in Sandel's republic or will dissenters simply be suppressed in the name of the Good? In his eagerness to combat individualism, Sandel has a tendency to overlook or downplay the problem of oppressive communities, whether it is individuals (in particular women) or groups (in particular ethnic/cultural and religious minorities) who are at risk of being

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[49] In contrast, his portrayal of liberal societies is too bleak, I think. Why blame the problems of contemporary America on liberal political philosophy, rather than, say, on a global economy where jobs are being outsourced and wages are cut, a health care system which leaves out a substantial part of the population, and a deregulated media market where corporate-owned media profits from partisan news and "infotainment". (Kymlicka 1998, p 142, 146).

victimized (Forst 2002, p 19; cf. Moller Okin 1999). By making individual rights, including the right to free speech, wholly contingent upon society's approval, he leaves individuals and minority groups with no resources to fight back against potentially oppressive majorities (Pettit 1998, p 47)[50]. It is also unclear whether his account of individual rights being dependent on their social utility is any less controversial than the liberal ideas he criticizes: religious traditionalists may not think that religion is a choice, but neither are they likely to accept the idea that religions are valuable only because of the benefits they have for society (as "schools of democracy" or a bulwark against individualism), rather than because of the truth of their claims[51].

To conclude, Sandel's critique of Rawls and liberalism in general is dependent on interpretations which can be questioned, and his own proposals are either unrealistic or potentially oppressive. The latter critique reveals a more general problem concerning Sandel's political philosophy – one that he shares with many other writers who have been labeled communitarians – namely, the belief in social and cultural homogeneity and the corresponding lack of an acknowledgment of the fact of reasonable pluralism[52].

2.6. Summary

In this chapter, I discuss the views and arguments of four political philosophers who represent three different positions in the political-philosophical debate on how to understand the normative basis and the scope of democracy in a pluralist society where persons differ in their moral, religious and philosophical beliefs.

William Galston's liberal pluralism is based on the meta-ethical doctrine of value pluralism, according to which there are many objective values that are incompatible and sometimes also incommensurable. This doctrine undermines those versions of liberalism in which the value of auton-

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[50] Of course, sociologically speaking, all rights depend (at least in the long run) on popular support, but there is still a meaningful difference, I think, between a principled defense of rights as a necessary precondition of democracy (see section 3.4) and Sandel's idea of rights as more or less a gift from the popular majority which can be withheld or taken back at any time.

[51] If I consider my religious beliefs to be true, I could not care less what utility they bring to society, unless social utility is mandated by the beliefs themselves.

[52] Sandel (1998b, p 347-351) seems to think that the problem of pluralism can be avoided by decentralizing power to smaller communities, but this will only work if pluralism is limited to society at large, and, moreover, it is doubtful if small communities can govern themselves effectively in a globalized, interdependent world.

omy is considered to be of central importance, and Galston argues instead that diversity should be at the centre of liberalism, not as an end in itself but as a consequence of there being no way of legitimizing the priority of any specific value (and thus no way of legitimizing the coercion of individuals by the state). He then develops a liberal democratic model where individuals are left to live according to their own beliefs and values, within broad limits that are motivated by the need to minimize the risk for great evils. My critique is that he implicitly assumes a liberal principle of legitimacy which does not follow from the doctrine of value pluralism and that the doctrine of value pluralism is too controversial to function as part of a normative basis for democracy. I also question his use of this doctrine and the liberal principle of legitimacy as means for setting external limits to the reach of democratic decision-making.

John Rawls's political liberalism starts from the fact of reasonable pluralism, which says that pluralism is a natural outcome of the free exercise of human reason. In particular, he claims, people can be expected to disagree when it comes to metaphysical/controversial questions concerning the meaning of life, the existence or non-existence of God, the nature of human individuals, and so forth. Because of this fact, he revises his earlier theory of justice and removes all metaphysical/controversial elements from it until what remains can be supported by all reasonable persons in an overlapping consensus, i.e. for moral reasons which may differ between different persons. Once the overlapping consensus is in place, it should be considered settled once and for all, Rawls argues, and the principles and issues contained within it should be removed from the political agenda. Finally, he suggests that the overlapping consensus makes no claims to truth, since it is freestanding from metaphysical/controversial elements. My critique is that it is unclear what belongs to the overlapping consensus and that this cannot be determined in advance of democratic deliberation. The more content Rawls squeezes into the overlapping consensus, the more problematic it is, especially since he claims that the principles and issues involved should be taken off the political agenda. Furthermore, I am skeptical of Rawls's suggestion that the overlapping consensus should avoid any claims to truth (or reasonableness), since this opens the door for relativism (although Rawls's position on this issue is somewhat unclear).

Jürgen Habermas's deliberative democracy starts from a principle of democracy, which says that legitimate laws are the outcome of deliberative procedures that are constitutionally protected. In relation to communitarianism, he argues that the outcome of these procedures cannot be determined in advance, through reference to a shared culture/ethical view. In relation to (classical) liberalism, he defends the need for a rationalization of

preferences and for rational agreements rather than majority rule. Like liberals, and unlike communitarians, he considers individual rights to be necessary, but understands these (unlike liberals) as internally related to democracy and not as derived from some external source. He also suggests that legitimacy must be complemented by legality, i.e. coercion, in order to ensure compliance from individuals who would otherwise violate legitimate laws. Finally, his theory of democracy is centered on civil society rather than on individuals or the state, and he argues for the importance of a vibrant, egalitarian civil society which has been transformed through secularization/modernization and the advance of a "post-metaphysical thinking". My critique is that Habermas connects his theory of democracy to assumptions about secularization and the (im)possibility of religious knowledge which are controversial and subject to reasonable disagreement. I am also skeptical of his strong notions of rationality and consensus (or rational agreements), a critique which will be developed in the following chapter.

Michael Sandel's communitarian democracy starts from the notion of a common good, which is bound up with the identities and deepest aspirations of individuals. He claims that the liberal ideal of individual autonomy relies on a faulty view of the human self as "unencumbered" by their beliefs, values and attachments, which leads liberals to prioritize individual freedom over the common good. Sandel argues instead that individuals are constituted by their beliefs, values and attachments and that only those practices that are compatible with the common good should be tolerated. Thus, toleration and individual rights are always conditional and never absolute. He claims that his republican society would be an improvement over the liberal "procedural republic" since it allows for solidarity and the notion of individual duties alongside individual rights. My critique is that Sandel misinterprets the (Rawlsian) liberal view of the self and neglects the importance of civic virtues in contemporary liberal political philosophy. Furthermore, his republican society risks being oppressive since toleration and individual rights are made wholly dependent on their promoting the common good. More fundamentally, I am skeptical of the existence of a common good beyond basic democratic principles and values, especially in a pluralist society.

The terminology and the discussions in this chapter will be important as a background for the rest of the thesis. In particular, I use the vocabulary of, and some key ideas (among these the notions of an overlapping consensus and reasonable pluralism) from, Rawls's *Political Liberalism* when discussing the question of how to understand the normative basis and the scope of democracy in a pluralist society where persons differ in

their moral, religious and philosophical beliefs. I argue for a different position than Rawls's, however; one which is in many ways closer to Habermas's deliberative democracy, although I try to address what I see as problematic elements in his theory. In contrast, the positions of Galston and Sandel are used primarily in a negative way, i.e. as a way of distinguishing my own position from classical liberalism/libertarianism (which shares many of Galston's ideas and assumptions) and communitarianism. Also, Galston has participated in the debate on citizenship education and children's rights to develop personal autonomy which are discussed in Chapters 4 and 5.

3. Deliberative democracy in a pluralist society

3.1. Introduction

In this chapter, I suggest that democracy is based on a principle of reciprocity which can be supported in an overlapping consensus by reasonable persons who differ in their moral, religious and philosophical beliefs. Furthermore, I argue that the principle of reciprocity mandates a deliberative kind of democracy and discuss the implications of this principle for understanding the relation between democracy and individual rights, between democracy and religious belief and speech, between rationality and deliberation (and politics more generally), and between the ideal of deliberative democracy and political reality. For the sake of simplicity, I will refer to the outcomes of these discussions as a deliberative democratic *model*, a term which should be understood as denoting a loose framework of interconnected ideas and principles rather than a fully elaborated account of democracy. This model will be built on in Chapter 4, when I argue for a mandatory citizenship education and in Chapter 5, when I argue for children's rights to develop personal autonomy. It will also provide a general framework for the discussions in Chapters 4, 5 and 6.

3.2. The principle of reciprocity

What is the normative basis of democracy[53]? Or, to put it differently, how can democracy be justified? Historically, the answer has often been negative: democracy cannot be justified, since there are other better or more legitimate ways of running a society. Plato (BC 380/2007), for example, distrusted the capacity of people to elect capable leaders and argued for a dictatorship of enlightened philosopher kings. Fascists claimed that democracy is decadent and weak, and that people are in need of a strong leadership to hold the nation together. Theocrats argued that God is the supreme ruler, and that he has transferred his heavenly mandate to a chosen leadership of religious authorities. Anarchists supported the idea of mutuality, but opposed the idea of a democratic state over and above the associations of free individuals. I do not have the space here to defend democracy against these critics[54]; instead, I will simply assume that the reader shares

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[53] At this stage I am employing a wide, common-sense definition of democracy as popular rule, where those who live under the laws of a community have some (real) influence in the process whereby these laws are formulated and decided. This definition will be made more narrow and precise during the course of the chapter.

[54] See Dahl 1991 for such a defense.

my democratic beliefs. There remain important issues to deal with, however, even after narrowing the discussion down to pro-democratic views. For example: is democracy justified because of its intrinsic qualities, or because it has certain good effects? According to the first view, democracy is justified because it embodies the ideal of mutuality or reciprocity, which says that persons should be treated as worthy of equal respect and consideration. According to the second view, democracy is justified because it maximizes happiness or the satisfaction of preferences (hedonistic and preference utilitarianism), because it increases the chances of finding and making correct political decisions (epistemic theories of democracy) and/or because it strengthens the character of the participants involved (republican theories of democracy)[55].

In my view, there are good reasons – both intrinsic and instrumental – for supporting democracy. Ultimately, however, I consider the intrinsic defense to be the most appropriate, since it is stronger and more unconditional than the instrumentalist defense. For example, utilitarianism (in most versions[56]) could be invoked in favor of Plato's dictatorship if only there were any appropriate philosopher kings who could rule in a way that would increase the overall utility. Furthermore, utilitarianism tends to view persons as mere vessels for what really matters – pleasurable experiences or the satisfaction of desires – which means that human individuals could be sacrificed in order to increase the overall utility, however defined (Rawls 1971, p 23-24, 164-166)[57]. According to Rawls, utilitarianism conflates impartiality with impersonality – impartiality demands that we treat every person equally, not that we disregard every person equally to maximize some abstract, impersonal good[58]. Hence, it seems that utilitarianism provides a conditional defense of democracy, at best. Regarding epistemic theories of democracy, the situation is much the same. If democracy is justified because it increases the chances of finding and making correct

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[55] Or, less optimistically, because it is the worst form of government except for all of the others (a quote attributed to Winston Churchill).

[56] Rule utilitarianism and the utilitarian theory defended by John Stuart Mill are two exceptions.

[57] If white persons are happier or more satisfied when brown persons are treated as second-class citizens, and the added pleasures or preference satisfactions for white persons are higher than the total pains or loss of preference satisfaction for brown persons (because white persons are more numerous in a particular society), then utilitarianism would mandate, and not just allow, such treatment.

[58] This conceptual problem remains even in less strict versions of utilitarianism (i.e. rule utilitarianism) where democracy is supported because it tends to improve the overall utility even if it may lead to less utility in particular cases.

political decisions, the door is open to Plato's dictatorship of wise men, or a super intelligent computer. Robert Talisse (2004, 2011) has argued that this conclusion can be avoided if one sees knowledge as the outcome of social cooperation, and liberal democracy as providing the best conditions for knowledge to prosper. Talisse's argument may succeed in undermining the epistemic case for dictatorship, but it is doubtful if it works as a defense of democracy (as we usually understand it), rather than, say, a system based on differentiated rights according to education level or expertise. In any case, it seems to me that something is missing from epistemic theories of democracy. It would be wrong to shut people out from power even if a super intelligent computer was one day invented. This is because political decisions unavoidably involve a moral, and not just an epistemic, dimension (Forst 2002, p 124)[59]. Good reasons in politics are good not only because they are based on the relevant facts but also because they can be endorsed as far as possible by those who are affected by the political decision in question. In order to capture this moral dimension, I would like to quote some philosophers who argue for democracy (at least partly[60]) on moral grounds:

> [O]ur exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason (Rawls 2005, p 137).

> Members of a legal community must be able to assume that in a free process of political opinion- and will-formation they themselves would also authorize the rules to which they are subject as addressees (Habermas 1998, p 38).

> [O]nly those political norms and decisions may claim legitimacy that can be questioned in respect of their particular and general conse-

[59] Another common criticism of epistemic theories of democracy is that they treat politics as if it was a science which could evaluate normative propositions ("equality is good") like scientific hypotheses. But if such propositions are more like judgments of taste, for example, it makes no sense to talk about "correct" political decisions to begin with. I will not pursue this line of criticism, however, since I consider the difference between scientific/empirical and normative propositions to be exaggerated (see section 1.3.).

[60] In Habermas's case, it is unclear if one can speak of a defense on moral grounds at all (see footnote 40).

quences and accepted in a discourse of free and equal citizens (Forst 2002, p 122).

Persons should be treated not merely as objects of legislation, 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 (Gutmann & Thompson 2004, p 3).

The political process ought to be arranged so that individuals are not subject to arbitrary power, by which we centrally mean uses of power that do not flow from, and are not subject to being constrained by, a fair process of discussion in which individuals are treated as free and equal citizens and their fundamental rights and liberties are protected (Richardson 2003, p 52).

There are clearly some differences and tensions between these quotes. Should the endorsement of laws/rules/policies be seen as potential ("expected") or actual? Is this demand applicable to all laws/rules/policies or only to those that concern constitutional essentials? Does the endorsement process involve all citizens, or only their representatives, and is it "free" or in some ways constrained by regulations, whether of a process- or an outcome-oriented kind? These differences aside, there seems to be an underlying idea which is held in common: that individuals who are bound by the laws and policies of a legal and political community have the right to be involved, in some non-trivial way, in the formulation and decision of these laws and policies[61]. This idea I will call *the principle of reciprocity*, formulated pragmatically to avoid certain problems that come with a more "pure" version of the principle[62]. In the remainder of this chapter I will try to specify what this principle entails.

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[61] Admittedly, this interpretation puts less emphasis on the importance of consent for political legitimacy than some of the philosophers quoted above. In my view, a realistic theory of democracy will have to focus more on inclusive decision-making than on consent (actual or potential).

[62] The "pure" version of the principle of reciprocity could be formulated as follows: all individuals who are affected by a political decision should have a non-trivial influence on this decision. The upside of this version is that all those (and only those) who are affected have a right to influence – regardless of their political membership in a particular community. The downside is that one must find a way of defining who is affected in a relevant way (all individuals could be seen as affected by all decisions, in principle, including presently unborn individuals), something that will vary from decision to decision. Furthermore, there is the question of who has the authority to decide who is affected. By replacing the idea of affectedness with the notion of membership in a legal and political community, these difficulties are avoided, even if some of the benefits of the pure version are lost. Cf. footnote 84.

First let me say something about what is meant by "non-trivial way" in the formulation above. As the quotes suggest, the principle of reciprocity would not be respected if legislators simply ignored public opinion between elections, or limited the popular input to selecting from a small menu of pre-determined options every now and then. What is needed is *meaningful* influence, which lets individuals – regular citizens and legislators alike – think through the issues and deliberate with each other, and where the outcomes of these deliberations are taken seriously by legislators[63]. In this respect, the principle of reciprocity mandates a deliberative kind of democracy, rather than, say, the minimalist model of democracy defended by Joseph Schumpeter (1942/2006) and others. Still, I do not wish to argue for a comprehensive form of deliberative democracy, where democracy is seen as a way of life and democratic participation as necessary for human flourishing[64]. The reasons for this have to do with pluralism, which I will discuss in the following section.

Another reason for preferring a deliberative democracy to minimalist alternatives is that it allows for rational will-formation rather than a simple aggregation of individual preferences. By opening up for processes where citizens critically assess existing beliefs and preferences and examine the presuppositions and likely consequences of various policy alternatives, a deliberative democracy will tend to produce wiser and more considerate political decisions than the minimalist view[65]. It may also strengthen the solidarity of a political community in so far as citizens gain a deeper understanding of each other's perspectives, and are encouraged to take these seriously even if they continue to disagree on the issues (Gutmann & Thompson 1998, Chapter 2)[66]. Finally, a deliberative democracy is more hospitable to pluralism than the minimalist view, which reduce citizens' deepest moral commitments to mere "bargaining chips with which [they] attempt to strike the best political deal they can in light of their interest" (Talisse 2011, p 27). This view of politics will itself seem morally bankrupt

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[63] Assuming that representative democracy is the only realistic option in contemporary societies, see section 3.8.

[64] See the criticism of John Dewey in section 4.3.

[65] Thus, I agree with epistemic theories of democracy on the importance of rationality in political decision-making; my critique is simply that this cannot be the whole, or even the main, story of democratic legitimacy.

[66] These two hypotheses – that public deliberation leads to wiser decisions and increased social solidarity – may seem overly optimistic. Although there has been little empirical research on the effects of deliberation, properly institutionalized and regulated, the results so far are generally affirmative (Cohen 2009, Fishkin 2009).

to those citizens who cannot accept that their moral commitments are translated into the language of preferences. In contrast, the deliberative process takes the depth and importance of moral commitments seriously and makes it possible to debate their merits and not just weigh them like preferences according to the intensity with which they are held.

3.3. Overlapping consensus

I have argued that democracy is based on a principle of reciprocity; a principle which cannot easily be overridden by other values or principles[67]. In this section I will try to show how this principle can be made compatible with the fact of reasonable pluralism, i.e. the fact that reasonable persons can and do disagree on various matters, especially when these are of a moral, religious or philosophical kind[68]. Like Rawls, I will have to fall back on a postulate which can here only be asserted[69]: whatever else persons believe, they are only reasonable if they accept the principle of reciprocity as fundamental and overriding. A theocrat, who thinks that God's commands can be implemented directly without a deliberative process involving his/her fellow citizens, is unreasonable according to this view. The same goes for a radical secular humanist who would like to outlaw certain religious practices without first deliberating about the issue. Reasonable persons may well have strong beliefs, but they need to respect the principle of reciprocity. Why and how they support this principle is another matter; it should be left to every person to decide for himself/herself, alone or in deliberation with others, how the principle of reciprocity relates

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[67] The only exception I can think of has to do with situations where swift decision-making is needed to save the lives of many persons. But even then the decision will have to be retroactively justified according to the principle of reciprocity.

[68] Note that my formulation of the fact of reasonable pluralism is weaker than Rawls's. According to Rawls, reasonable persons are bound to disagree on these matters, or to put it differently: disagreement on these matters is the natural outcome of the free exercise of human reason. In my view, this is a premature conclusion. Perhaps we will someday reach a consensus, or a near consensus, on these and other matters. At this stage in history, however, it seems obvious that reasonable persons can and do have different opinions. As we shall see in this chapter, the concept of a reasonable person involves both moral and epistemic elements.

[69] In Rawls's case, one may speak of a content that is derived from a certain culture, rather than postulated. What remains unclear is whether this content should be considered as universally binding or not (see section 2.3.1.).

to his/her other commitments and beliefs[70]. The basis of a deliberative democratic community is therefore not a moral and cultural consensus (as in the communitarian model of society[71]) or a temporary convergence of preferences among self-interested persons (as in the modus vivendi model) but an *overlapping consensus* where the principle of reciprocity is supported by moral reasons which may differ among reasonable persons.

Unlike Rawls, I would not say that the principle of reciprocity (the content of the overlapping consensus) is freestanding in relation to all reasonable comprehensive doctrines, but rather that it could be supported by reasonable persons who differ in their moral, religious and philosophical beliefs[72]. Clearly, the principle of reciprocity is closer to the deontological view of morality than, for example, the utilitarian one. The principle of reciprocity could be supported by utilitarians for reasons that are internal to the utilitarian doctrine – if it is considered to maximize utility, however defined – but this defense seems to me a little strained; is it not likely that the overall utility would be higher if we sometimes made exception to the principle of reciprocity? Much the same could be said for epistemic theories of democracy, providing that one does not share Robert Talisse's social epistemology. In comparison, the principle of reciprocity fits more easily into the dominant religious traditions, where different versions of "the golden rule" can be found. This is especially so to the extent that the principle of reciprocity – unlike classical liberal accounts of political legitimacy – emphasizes the *political* autonomy of individuals rather than their personal autonomy[73]. Thus, it "can figure in those conceptions of life which refuse to accord supreme value to critical reflection and call instead upon forms of moral allegiance that are rooted in a sentiment of belonging" (Larmore 1999, p 623-624)[74]. It also avoids the Deweyan claim that democracy is a way of life, a claim that would exclude those persons who

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[70] According to Christopher Insole (2005, p 49), "politically liberal principles are compatible with a full-blooded and theologically mainstream Christian commitment: one which holds that human creature is incapable of its own perfection, although made for and called to that perfection by a gracious God". For an Islamic point of view, see Abou El Fadl 2002.

[71] Or those liberal theories that make general claims about the meaning of life, the nature of the individual and so on.

[72] Note that I replace the idea of comprehensive doctrines with persons who have certain beliefs. The reason for this can be found in footnote 33.

[73] Although I will argue for the importance of the latter in Chapter 5.

[74] As I will show in section 5.4., however, the principle of reciprocity has certain educational consequences which will tend to promote the personal autonomy of citizens.

find their life-calling in other activities than democratic participation (Talisse 2003, also see section 4.3.). In order to function as the content of an overlapping consensus in a pluralist society it is important that the principle of reciprocity is compatible with a wide range of views on the meaning of life, the nature of the individual and so on.

The main critique against the idea of an overlapping consensus is that it is too weak and unstable to avoid collapsing into a modus vivendi defense of democracy. This argument is put forward by Rainer Forst (2001, p 367):

> [I]f the grounds on which they [the citizens, JR] affirm the conception of justice are not normatively independent from their comprehensive doctrine (…) it is not clear what kind of moral consideration should provide a practical reason for the priority of justice over comprehensive beliefs [in cases of conflict, JR]. Thus the overlapping consensus must have a special and more firm standing and rest on shared moral and not just on overlapping ethical reasons.

Similarly, Habermas (2000, p 86) claims that

> [a]nything valid should also be capable of public justification. Valid statements deserve the acceptance of everyone for the same reasons … Whereas parties who negotiate a compromise might accept the result for different reasons, participants in argumentation must reach a rationally motivated agreement.

Forst and Habermas both subscribe to the idea of a shared language of public (moral) reasons which can be accepted by all persons regardless of their private (ethical, religious) beliefs – something that I will criticize in section 3.6. According to this critique, the distinction between public and private (or non-public) reasons does not apply to highly abstract issues such as the present one, i.e. where the very foundation of society is at issue, and metaphysical claims – whether secular or religious – cannot be avoided. When Habermas (2000, p 67) speaks of "a moral validity independent of religion and metaphysics", he presupposes a theory of "postmetaphysical thinking", which is anything but uncontroversial or generally accepted. On the contrary, it could be seen as a piece of secular metaphysics itself[75]. This means that the alternative is not between an overlapping consensus and a consensus based on public, neutral reasons, but – again – between an overlapping consensus and either a moral and cultural consensus, or a modus vivendi. The view that Forst and Habermas defends be-

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[75] See section 2.4.1.

longs to the category of a moral consensus[76], in my view, although it would probably not be the object of an actual consensus in a pluralist society where persons differ in their moral, religious and philosophical beliefs.

Furthermore, it is unclear to me *why* citizens need to support the principle of reciprocity for exactly the same reasons – reasons that are independent of their own moral, religious and philosophical beliefs. Forst is worried about the question of priority, that a person would abandon the concern for justice (or the principle of reciprocity in this case) as soon as it conflicts with these other beliefs. Indeed, we cannot guarantee that every person is reasonable, and how to handle unreasonable persons is a difficult issue which I will not go into here. Hopefully, most persons will be reasonable and respect their fellow citizens[77]. But if they are unreasonable, it is difficult to see how the idea of public reason helps; why should we expect the theocrat to ignore what he/she considers morally correct in order to follow some secular principle which lacks support within his/her own moral horizon? Habermas's concern is that the idea of an overlapping consensus will lead to an unprincipled bargaining, at best resulting in a compromise instead of a rationally motivated agreement. But as Eva Erman (2007, p 618) argues, "to have agent-relative reasons to accept a moral norm on the basis of a common interest does not mean a strategic compromise on the basis of a plain overlap of interests that is mutually advantageous"[78]. An overlapping consensus is not the same as a modus vivendi. In any case, Habermas has not shown how a "rationally motivated agreement" is possible in a pluralist society, or what it would look like.

Finally, Ian MacMullen (2007, p 38) claims that a common language is needed in situations of heated conflict, since "the prospects for rebuilding trust and reassuring one's fellow citizens are much reduced if there is no common language adequate to articulate the grounds of one's allegiance to the goals and norms of liberal democratic politics". Again, the idea of a common language (in the strong sense implied by MacMullen and others) is problematic, and I have suggested that citizens do not have a common basis for supporting the principle of reciprocity. Nor do they need one. Trust comes from knowing that one's fellow citizens genuinely believe in democracy – for whatever reasons they themselves prefer – not that they

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[76] A consensus which is procedural rather than substantial, but nevertheless involves a number of controversial and contested claims about reason and morality.

[77] Here citizenship education has an important role to play, or so I will argue in Chapter 4.

[78] Cf. McCarthy 1994, p 57.

are able to articulate their support in the words of a common language which has no connection with their own deepest beliefs.

3.4. Democracy and individual rights

In a pluralist society it might be considered necessary to have individual rights to safeguard the interest of minorities – including minorities of one person – against potentially oppressive democratic majorities. Classical liberals were often skeptical, or even hostile, to democracy precisely because of this risk. As John Dryzek (2002, p 9) points out: "It is only in the twentieth century that liberalism and democracy really reached an accommodation, such that 'liberal democracy' could fall easily from the lips". In comparison, deliberative democrats are less preoccupied with the question of how to protect individuals and a private sphere from the influence of democratic majorities, although most deliberative democrats support those individual rights which are deemed necessary to protect the deliberative democratic process itself. In this section I will argue in favor of such a position, and against the classical liberal one. I will start by examining the liberal theories of John Locke and John Stuart Mill, and then proceed to the contemporary debate among deliberative democrats on how best to understand the relation between deliberative democracy and individual rights.

In *Two Treatises of Government* (1689/1993), John Locke defends the right (and duty) of the people to overthrow a government which rules without popular consent. According to Locke, a government is legitimate only if it could have arisen in a process of historical change when people are joining together in order to protect their natural liberty and property. In contrast to Thomas Hobbes, Locke considers the state of nature (the society without a government) to be a state of perfect freedom and equality, where men[79] are equal under God. In this state the only law is the Law of Nature, which is known to human reason and says that all men have the right to life and liberty, and (through their labor) to a certain amount of property. Unfortunately, people will eventually have to form a government, since some men are morally and spiritually corrupted and will try to deprive others of their natural rights, and since there are uncertainties about how to apply the Law of Nature in particular cases of conflicts. Locke does not argue for a democracy, but rather for a mixed government in which elected legislators share power with the lords and the king. The government is bound by the social contract, and if the natural rights of people are

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[79] Locke does not explicitly exclude women from his account, but uses the word "men" instead of "humans" or "persons".

violated, they are entitled to revolt against the government and replace it with a new one.

Writing at a later time than Locke, John Stuart Mill considered democracy to be the only legitimate political system in the modern world. Nevertheless, he was concerned that a "tyranny of the minority" (i.e. royal absolutism) would be replaced by a "tyranny of the majority", as the intolerance and conformism of popular majorities threaten individual liberty and originality. In *On Liberty* (1859/2003) he formulates a principle of liberty which is designed to protect individuals from the interference of society, whether in the form of political coercion or social pressure. This principle says that individuals should be allowed to act, think and speak as they like, as long as no else is thereby harmed in a significant way. In particular, Mill argues against paternalism, i.e. the idea that a person's own best interest justifies interfering with his/her freedom. Specific rights mentioned by Mill are liberty of conscience, liberty of thought and feeling, freedom of opinion, liberty of expression, liberty of tastes and pursuits, and freedom of association. These rights cannot be denied an individual, regardless of the wishes of a democratic majority. Unlike Locke, Mill rejects the idea of natural rights and a social contract. Instead, he argues for democracy and individual rights on utilitarian grounds: since individuals strive for happiness and are more reliable judges of what makes them happy than the government, a system which allows them to make up their own minds about what is worthwhile, and to experiment with different lifestyles, will lead to more utility than alternative (authoritarian) political systems.

I would not wish to deny the historical importance of these two accounts in providing a theoretical justification for liberal democracy[80], but as a defense of democracy and individual rights in contemporary pluralist societies they fall short. Locke's theory is dependent on a Christian framework which is widely disputed, by non-theists and non-Christian theists alike. Unlike the principle of reciprocity, it cannot be the object of an overlapping consensus among reasonable persons who differ in their moral, religious and philosophical beliefs. Likewise, Mill's principle of liberty is grounded in the controversial doctrine of utilitarianism (and a minority version at that), and his radically individualist stance is incompatible with traditional lifestyles and beliefs. Like Galston[81], he imposes limits on democratic decision-making from outside democracy, instead of letting persons

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[80] Locke did not argue for a liberal democracy; his works, however, had a strong influence on the American and French revolutions.

[81] See Chapter 2.

deliberate about the nature and extent of these limits. In comparison, the principle of reciprocity mandates the democratic process without meta-regulating it from an external standpoint. It also assumes much less than Mill does about the nature of the individual and the value of particular lifestyles. In conclusion, the principle of reciprocity is minimalist and procedural and therefore more compatible with the fact of reasonable pluralism than either Locke's or Mill's theories. But can it be used to defend individual rights? I will now turn to this question.

As we saw in Chapter 2, Habermas argues for the interdependence of democracy (the political autonomy of citizens) and individual rights (the private autonomy of citizens). In my view, Habermas overemphasizes the negative liberty of citizens (freedom *from* deliberation) at the expense of their positive liberty (freedom *to* deliberation), but the general idea of an interdependence between democracy and individual rights seems to me right. Without individual rights such as the right to vote, freedom of speech and freedom of association, there would be no democracy in the first place; these rights are internal to the democratic process itself (Dahl 1991, p 170; 2000, p 48; Held 2006, p 277)[82]. Furthermore, the principle of reciprocity says that persons should have the opportunity for a non-trivial involvement in the democratic process, which means they must possess certain resources and capacities which are necessary for meaningful participation – in particular an adequate level of education and access to basic material goods (Knight & Johnson 1997, p 299; Dahl 1991, p 167; Forst 2002, p 86)[83]. These rights – those that are internal to the democratic process and those

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[82] One might think that only *political* (in a narrow sense) speech should enjoy protection under this theory, but as Joshua Cohen (2002, p 100-101) argues, "… the deliberative view draws no bright line between political speech and other sorts of expression. Forms of expression that do not address issues of policy may well bear on the formation of the interests, aims, and ideals that citizens bring to public deliberation". Thus, all speech should be protected as a rule, perhaps with a few exceptions. In comparison, it seems to me that only political associations (i.e. parties and political interest groups) are to enjoy special protection, in so far as they are necessary for citizens to make their views heard.

[83] Let me qualify this statement in two ways: Firstly, by an adequate level of education I refer to something more ambitious than so-called "basic skills" (reading, writing, arithmetic) and factual knowledge of the political system, as will be evident in Chapter 4. Secondly, the democratic process may mandate a level of equality in society which goes beyond access to basic goods for all citizens; if there are great disparities of wealth then some citizens will de facto have more influence than others, through media ownership, lobbyist groups etc. (Habermas 1998, p 308). This precondition could not be conceptualized in terms of individual rights, however, although it is compatible with such rights properly understood.

that are necessary for participation to be meaningful – are directly implied by the principle of reciprocity, and, following Robert Dahl (1991, p 170), I will call them *primary rights*[84].

So far, I am in agreement with most deliberative democrats. The controversy begins when it comes to those individual rights which are not internal to the democratic process, or necessary to ensure that all citizens have the opportunity for meaningful participation, but nevertheless seem essential in any decent society – for example, the freedom of religion or the right to a fair trial. Should a democratic majority[85] be allowed to prohibit a religious minority from practicing their religion, providing that this decision is taken in a formally correct way? As Dahl (1991, p 183) puts it: "Can we truly say that human beings have no inviolable interests beyond their right to the democratic process and whatever is essential to it?". According to Amy Gutmann and Dennis Thompson (2004, p 23-24), democratic decision-making is limited not just by procedural constraints (what I have called primary rights) but also by substantial constraints following from the principles underlying democracy itself. In particular, democratic majorities must not violate the demands of basic liberty and opportunity for all citizens – whether the right to marry a person of the same sex as oneself (Gutmann & Thompson 1998, Chapter 7), or enough material resources "to live a decent life according to the current standards of the society in question" (1998, p 224) – since such decisions could not be reciprocally justified to those who are adversely affected. But how can we know this before actually deliberating about the issue? To be sure, certain arguments are incompatible with the principle of reciprocity since they do not take into account other people's views and interests. It is difficult to see how a properly democratic process could end up banning certain religions, or denying individuals health care based on their color of their skin. In

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[84] I do not have the space here to discuss in any detail how primary rights relate to the notion of human rights. Since I consider the principle of reciprocity to be universally valid – and have suggested that primary rights follow directly from the principle of reciprocity – there is in principle no difference between these two categories of rights. In practice, however, there may be a gap between them, in so far as the political and legal community mentioned in the definition of the principle of reciprocity is not fully inclusive (i.e. is not a world community). This gap may be covered by so-called human rights, which regulate the interactions between people belonging to different political and legal communities. Such rights should not be considered superior or prior to primary rights, I think, but rather as being motivated by the same ideal of respect for persons as expressed in the principle of reciprocity. Cf. footnote 62.

[85] As I will argue in section 3.8., majority decisions will often be necessary in a deliberative democracy, especially in pluralist societies.

those cases it would probably be fair to say that the democratic process has been abandoned and that those who are victimized have the right to civil disobedience and/or outright rebellion to reinstate democracy (Waldron 2002, p 53)[86]. Still, we should not prejudge the democratic process. Gutmann and Thompson's version of deliberative democracy shares with liberalism a certain fear of politics, but there is a limit to how far democratic processes can be sanitized without losing their democratic character, and thus their legitimacy.

In accordance with this emphasis on the importance of actual deliberative processes, primary rights should be regarded as fundamental but in need of filling out; they can only be interpreted and given concrete shape by the members of the legal and political community in question, even if there are limits to what could reasonably be considered to be in line with the principle of reciprocity, and should enjoy a certain protection from majority abuse[87]. Regarding those other potential rights which are external to the democratic process and not necessary to ensure that all citizens have the opportunity for meaningful participation, the room for disagreement seems to me much larger. These rights – ranging from those that are widely accepted today (freedom of religion, property rights[88]) to those that are controversial (parents' rights to choose a school for their children) and those that are generally dismissed (the right to assisted suicide) – I will call *secondary rights*. They are less fundamental than primary rights and must not come into conflict with these rights if the principle of reciprocity is to be upheld. They may or may not be constitutionally protected, depending on the will of the democratic majority.

In the end, however, no institutional mechanisms – whether constitutionally protected individual rights, decision rules mandating a qualified majority, federalism or a separation of governmental powers – can guaran-

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[86] Also see the discussion of civil disobedience in section 3.7.

[87] Cf. Seyla Benhabib (1996, p 79): "although we cannot change these rights without extremely elaborate political and juridical procedures, we are always disputing their meaning, their extent, and their jurisdiction".

[88] The relation between property rights and democracy is rather complex. On the one hand, some kind of limited property rights are implied by the primary right to basic goods, and there is a historical case to be made for the importance of more extensive property rights to liberal democracies (Zakaria 2003). On the other hand, they tend to create inequalities in wealth and influence among citizens, which undermines the democratic process (Galston 2005, p 130-145; see also footnote 83). My view is that limited property rights follow from the primary right to basic goods, while more extensive rights are contingent upon the majority will and thus secondary (and must not undermine the democratic process).

tee that democracy survives and prospers[89]. As Dahl, Habermas and many others have pointed out, the importance of a broadly liberal, egalitarian and enlightened people must not be underestimated. In this matter, citizenship education will play a crucial role, or so I will argue in Chapter 4.

3.5. Reciprocity and skepticism

One of the central ideas in Rawls's *Political Liberalism* (2005) is that of a reasonable person. According to Rawls, a reasonable person supports the liberal principle of legitimacy and recognizes the burdens of judgment. Until now, I have claimed that reasonable persons support the principle of reciprocity[90], but I have not said anything about recognizing the burdens of judgment, and how this relates to the principle of reciprocity. In Rawls's terminology, the burdens of judgment refer to a set of epistemic facts which explain why people are bound to disagree about the correct answer to deep moral, religious and philosophical questions. Among those mentioned by Rawls (p 56-57) are the conflicting and complex evidence which bears on moral questions, disagreement over what weight should be accorded to different pieces of evidence, the indeterminacy of political and moral concepts, the effect of our past experiences in assessing new problems combined with the fact that our experiences differ in pluralist societies, and the necessity of choosing among conflicting values.

The idea of the burdens of judgment is not unique to Rawls. Joshua Cohen (1998, p 188) suggests that "no compelling theory of the operations of practical reason predicts the convergence of comprehensive moralities after sufficient evidence or reflection or argument is brought to bear". According to Talisse (2005a, p 60), "[c]ognitive agents, each doing their epistemic best, can come to different and mutually exclusive, but nonetheless rational, answers to Big Questions". Similarly, Gutmann and Thompson (1998, p 25) argue that some "[moral] dilemmas may have a uniquely correct solution, and some may not. But at any historical moment our imperfect understanding, manifested in the fundamental disagreements among the most thoughtful and good-willed citizens, prevents us from definitely distinguishing those that do from those that do not".

A question which immediately arises is how this idea – with its skeptical overtones – can be made compatible with the fact of reasonable plu-

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[89] Historically, the reverse has sometimes been the case; in the United States, for example, judicial review and federalism have been used to deny equal rights for black persons (Dahl 1991, p 186-190).

[90] Which is similar to Rawls's liberal principle of legitimacy, see section 3.2.

ralism. If people are bound to disagree on deep philosophical issues, are they not also bound to disagree on the question of why this is so? Is not the demand of reasonable persons to accept the burdens of judgment a violation of pluralism itself (Levinson 2002, p 16-17)? According to Leif Wenar (1995, p 42), all that is needed for peaceful co-existence is already secured by the liberal principle of legitimacy. There is no reason why a person with dogmatically held moral and political beliefs – one who considers himself/herself absolutely right and other persons hopelessly wrong and misinformed – could not also support the right of his/her fellow citizens to take part in the formulation of laws and policies. Hence, there is no need for an acceptance of the burdens of judgment. In addition to being superfluous, the idea of the burdens of judgment risks excluding religious persons from the overlapping consensus, Wenar claims, since a religious doctrine "characteristically presents itself as universally accessible to clear minds and open hearts" (p 44)[91]. To tell the religious traditionalist that he/she is unjustified in believing that his/her own beliefs can win universal reasoned assent is to force upon him/her a secular and skeptical account of religious truth and knowledge.

Anticipating this critique, Rawls (2005, p 63) argues that the idea of burdens of judgment is distinct from skepticism as commonly understood: "[Political liberalism] does not argue that we should be hesitant and uncertain, much less skeptical, about our own beliefs. Rather, we are to recognize the practical impossibility of reaching reasonable and workable agreement in judgment on the truth of comprehensive doctrines". According to Talisse (2011, p 146-147), one can accept that there are many different reasonable moral and political positions without giving up on the idea that one's own position is the correct, or the most reasonable, one[92]. The idea of the burdens of judgment simply says that people can disagree without any of them necessarily being "irrational, irresponsible, benighted, wicked, or in some other way intellectually inept or defective" (p 147). It is also worth noting that the burdens of judgment go both ways: secular citizens must accept their disagreement with religious citizens as a reasonable one, rather than (necessarily) as a struggle between the force of reason and the irrationality of religious belief (Habermas 2008, p 112-113, 138-139).

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[91] This is a questionable assumption, I think. In many religious traditions either the human mind is considered to be corrupted in various ways, and therefore unable to grasp the truth, or the world itself is seen as an illusion.

[92] Cf. Larmore (1996, p 14): "What is reasonable to believe is not limited to what everyone will reasonably accept".

On an intellectual level, then, it is possible to hold that one's own beliefs are correct, while nevertheless subject to reasonable disagreement. But is it also psychologically possible? Brian Barry (1996, p 179) thinks not: "If I concede that I have no way of convincing others, should that not also lead to a dent in my own certainty?". The answer might actually be "no", viewed from a historical perspective. Rather than leading to disbelief, the failure to persuade others has often led people to even stronger convictions, and/or to a willingness to use violence as a means of converting the unfaithful (Mendus 2001, p 114)[93]. Furthermore, Barry's question

> assumes that standards of evidence are shared by believer and non-believer alike. It supposes, that is to say, that they are in agreement about what count as good or compelling reasons for something. But notoriously, the case of religious belief is a case in which what counts as evidence for the believer may be quite different from what counts as evidence for the non-believer (Mendus 2001, p 113).

If I cannot convince my fellow citizens that God exists, it may be because they do not share my epistemological standards. Perhaps I regard mystical visions as a legitimate way to knowledge of "a higher dimension" and they do not. If so, I can carry on believing in God without worrying about the reasonable disagreements of others. I would argue, however, that this diversity of epistemological standards is tolerable only for the domain of metaphysics, which is sufficiently remote from even abstract political questions. When it comes to deliberations about political issues where empirical claims are involved, citizens should acknowledge the authority of broadly scientific and academic standards, as well as elementary rules of logical reasoning. Otherwise deliberation would be impossible[94].

I have yet not said anything about why it is necessary that democratic citizens accept the burdens of judgment. According to Wenar (1995, p 46), there is "nothing incoherent in a church requiring that liberty of conscience be protected even for those unbelievers misled by evil or distracted by mammon". Perhaps so, but in a deliberative democracy – as opposed to minimalist models of democracy – it is important that people are willing to listen to and learn from each other, even when they are in complete disagreement. Constructive interaction demands that citizens recognize their

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[93] Although radical acts of this kind suggest that one did not consider the disagreement to be reasonable in the first place.

[94] See section 3.6.

opponents' views as (potentially[95]) moral and not simply as "rhetorically camouflaged expression of sheer selfishness" (Callan 2004, p 26), or grounded in ignorance and/or moral depravity. Thus, in addition to supporting the principle of reciprocity, reasonable persons should acknowledge the burdens of judgment[96]. This does not equal, *pace* Ian MacMullen (2007, p 55), the belief "that some other beliefs and values are just as reasonable and rational as one's own". On the contrary, reasonable persons may well consider their own convictions to be the most reasonable ones, as long as they acknowledge that it is rationally and morally possible for others to believe otherwise. Hence, the relevant disposition is better described as one of non-dogmatism than of skepticism (as commonly understood)[97].

3.6. Reciprocity and secularism

In recent years there has been a growing debate about the role of religious reasons[98] in political deliberation and decision-making. In order to simplify this highly complex and diverse debate, I will construct an ideal position – called "justificatory liberalism"[99] – based on the views held by Rawls, Habermas, Forst, Gutmann and Thompson, Cohen, and Larmore, among others. I ask the reader to keep in mind that this is only a construct and does not fully represent the views of any particular philosopher[100]. After having outlined the general features of this position, I will turn to a critical examination of it.

The main idea behind justificatory liberalism is that citizens and legislators have a moral obligation[101] to provide so-called "public reasons" in

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[95] To be sure, some persons will be defending views that are ignorant and/or motivated entirely by selfishness, and they should be called out on it. The point is simply that one should not take for granted that this is so, but rather start from a position of good will. Cf. Rawls (2005, p 58): "[I]t arouses mutual suspicion and hostility … to suppose that all our differences are rooted solely in ignorance or perversity, or else in the rivalries for power, status, or economic gain".

[96] In my account, this means accepting that reasonable persons *can* disagree, rather than that they are *bound* to do so. The reason for this can be found in footnote 68.

[97] Skepticism could actually undermine democratic deliberation if disagreement is taken as proof of the meaninglessness of serious moral and political discussion (Gutmann & Thompson 2004, p 80).

[98] By religious reasons I mean reasons whose essential content is tied to a religious belief system (see section 1.4. for a definition of "religion").

[99] This expression comes from Eberle 2002.

[100] I will also adjust the terminology to make it coherent with the rest of the chapter.

[101] As opposed to a legally sanctioned obligation.

political deliberation and decision-making. Public reasons are those reasons that are "generally intelligible" (Habermas 2008, p 5), "equally accessible to all persons" (Habermas 2008, p 120), "reciprocally and generally justifiable" (Forst 2001, p 362), testable to a general audience (Bohman 2000, p 39) and "open to interpretation by publicly acceptable reasons or methods of inquiry" (Gutmann & Thompson 1990, p 70). Since only public reasons make possible a democratic process in which all citizens are involved in a non-trivial way, the moral obligation to provide such reasons could be seen as following directly from the principle of reciprocity. Arguing for a particular law or a policy on, say, biblical grounds would be to violate this principle, in so far as the Bible is accessible only to Christian believers and cannot be critically examined from outside of the Christian faith (at least not regarding its non-empirical content). This does not necessarily mean that religious persons should avoid using religious reasons, but rather that they must be prepared to help translate such reasons into public reasons – together with secular citizens – before these reasons can enter the formal public sphere of parliaments, courts and administrations (Habermas 2008, Chapter 5). In the informal public sphere they are free to use whatever reasons they prefer.

Justificatory liberalism has been criticized from a number of different positions. Some focus on what they perceive as a threat to free speech, while others are concerned about the negative consequences for religious believers:

> It belongs to the religious convictions of a good many religious people in our society that they ought to base their decisions … on their religious convictions. They do not view it as an option whether or not to do so. It is their conviction that they ought to strive for wholeness, integrity, integration, in their lives: that they ought to allow the Word of God, the teachings of the Torah, the command and example of Jesus, or whatever, to shape their existence as a whole, including, then, their social and political existence. (Wolterstorff & Audi 1996, p 105, italics removed).

In my view, this critique is of limited value. If the principle of reciprocity demands that citizens refrain from invoking their religious beliefs in the formal public sphere, then religious fundamentalists, like everyone else, will have to live with the consequences, in their case by abandoning the quest for "wholeness". My concern with justificatory liberalism has rather to do with the notion of "accessibility" (or "intelligibility" and "justifiability" as it is sometimes called). In the account of justificatory liberalism, this notion refers to the possibility of understanding and the possibility of test-

ing certain claims. As an example of the former, Gutmann and Thompson (2004, p 4) argue that "[a] deliberative justification cannot even get started if those to whom it is addressed cannot understand its essential content". But surely one *can* understand most religious reasons – at least in a sense that is relevant for politics – without necessarily being religious oneself (Greenawalt 1995, p 40). I do not have to be a Muslim believer to understand and discuss the political message(s) contained in the Koran. Moreover, the idea of understanding as a criterion of a public reason could easily be turned on the justificatory liberals themselves:

> "Accessibility", it turns out, has little to do with the beliefs, values, and reasons that the actual citizens in a democracy *do* in fact understand and use. Complex scientific calculations and abstruse philosophical notions may be "accessible" even though ordinary citizens may find them foreign or implausible, but religious values that are widely accepted (and understood even by many citizens who do not accept them) are not. "Accessibility" becomes little more than an appealing catchword denoting the theorists' preferred mode of discourse. (Steven Smith, cited in Greenawalt 1995, p 101).

In reply to this critique, it could be said that scientific claims, unlike religious claims, are accessible *in principle*, regardless of whether or not people happen to understand them, in so far as they can be demonstrated to anyone who is willing and intellectually able to consider the empirical evidence. But then the idea of understanding has been replaced with the idea of testing as a criterion of a public reason[102].

The claim that public reasons must be open to empirical testing can be found in the writings of many justificatory liberals. Although I find this idea appealing, it seems to me of limited reach. It is clearly relevant for those political issues where empirical evidence is at the centre, for example the question of how to best regulate the financial industry. Here, I am in agreement with the justificatory liberals: citizens should acknowledge the authority of broadly scientific and academic standards, as well as elementary rules of logical reasoning. Otherwise deliberation would be difficult or impossible. To argue for deregulation of the financial industry on, say,

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[102] If the idea of understanding is to play any role in the definition of public reasons, I think it should be decoupled from the distinction between science/secular philosophy and religion, and instead be seen as a continuum. For example, it is easier to understand an empirically grounded argument on the relation between speed limits and traffic accidents than to understand a libertarian argument against speed limits in general. The latter, however, is (perhaps) easier to understand than a wordless whistle or a fist pounding on a table.

biblical grounds would be to show disrespect towards those citizens and legislators who are searching for solutions based on empirical evidence (even if this happens to be contradictory or vague/indeterminate). On other issues, however, metaphysics cannot be avoided. When it comes to the issue of abortion rights, for example, the question of whether or not the fetus is a human person is of fundamental importance and cannot (or so it seems) be settled through empirical means alone. Instead, different metaphysical beliefs, both religious and secular, will compete with each other on the same contested terrain (Eberle 2002, p 282; Greenawalt 1995, p 101)[103].

Thus, the moral obligation of providing public reasons for one's preferred laws and policies will vary between different political issues, depending on how central empirical claims are to the issue in question. Citizens should seek common ground with others as far as possible and try to articulate reasons they sincerely think can be understood and accepted by these others (Eberle 2002, p 104-105) but they are under no general obligation to avoid religious reasons, or to translate them into public reasons, unless the issue under consideration is of an empirical kind. When discussing those issues where metaphysical claims cannot be avoided, citizens may instead practice what Jeffrey Stout (2005) calls "immanent criticism". The aim of this practice is to find reasons which are convincing to the particular person(s) with whom one is discussing, regardless of whether or not they are convincing to every other person; for example, I might show the Christian that there are passages in the Bible suggesting that fetuses are not human persons and then turn and argue with the utilitarian from the perspective of utility maximization. If such immanent criticism is successful, it would result in an overlapping consensus on the issue of abortion rights. According to Stout (2005, p 73), this solution is not only acceptable but also superior to an (imagined) outcome where everyone agrees for the same reasons, in so far as it "takes seriously the distinctive point of view *each* other occupy. It is respect for individuality, for difference". James W. Boettcher (2005), on the other hand, worries about the consequences for religious traditionalists: "Citizens who rely on biblically based claims in support of a political choice must be prepared at times to sincerely re-examine their religious beliefs, remaining open to the criticism of other citizens and the force of the better argument". Since he considers this to be

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[103] On this issue the problem with Habermas's distinction between secular philosophical arguments, which can be universalized, and religious arguments, which cannot, becomes obvious (see section 2.4.1.).

a burden for religious traditionalists, he thinks they would be better off accepting the idea of public reason as defined by justificatory liberals. I think that this concern is misplaced. Nothing prevents legislators and citizens from using religious reasons in contemporary liberal democracies, yet we seldom see theological disputes at the centre of political debates (except for perhaps on a few issues: abortion, same-sex marriage, cloning etc.). Thus, one should not overestimate the extent to which immanent criticism will be necessary[104].

3.7. Deliberation and rationality

So far I have argued in defense of a deliberative model of democracy, in which deliberative processes between citizens and legislators are of central importance. One attractive feature of this model is the idea of politics as something more than a simple aggregation of individual preferences or a clash between different individuals and groups with conflicting, pre-determined interests. Instead, the deliberative model opens up for a more rational will-formation, where citizens and legislators are expected to provide good arguments for the laws and policies they prefer and to listen to the arguments of others with an open, if also critical, mind. It seems, however, that this idea of politics as rational argumentation can be taken too far. Some critics have questioned what they see as an unrealistic and sanitized view of politics with little relevance for the real world of power and conflicts, and where the argumentative ideals of academia are privileged and other modes of communication and political action are ignored. I will now discuss this critique and try to find ways of moderating the idea of politics as processes of rational argumentation, without abandoning it.

One critic of the deliberative ideal is Lynn Sanders (1997), who argues that it is unfair towards citizens with lower economic and cultural capital. These citizens are often incapable of presenting their views in the dispassionate and logical way favored by deliberative democrats and may find it difficult to argue in support of their own interests by connecting them to the general interest. Thus, there is a risk that they will be marginalized and reduced to being passive onlookers while the highly educated and confident citizens participate in the discussions, and their concerns will be dismissed as a special interest. It does not help, Sanders argues, to equalize educational and economic resources since the forces at work are more sub-

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[104] It could be, however, that this situation is changing, in so far as future political issues (for example technology and its implications) will transcend the current materialist paradigm of left vs. right.

tle and will remain even if formal inequalities are overcome. Not even self-critical deliberation is sufficient, since "[p]rejudice and privilege do not emerge in deliberative settings as bad reasons, and they are not countered by good arguments. They are too sneaky, invisible, and pernicious for that reasonable process" (p 353). Some citizens will be ignored, no matter how good their reasons are, or how skillfully they articulate them. A better solution, according to Sanders, is to focus on dismantling the power of high-status groups and enhancing the effective participation of marginalized citizens, whether or not their participation follows the norms of deliberative democracy. In particular, she defends the practice of testimony, which means telling one's story in front of a group, by appealing to emotions and embracing the subjective and non-generalizable (p 370-373).

A similar critique has been developed by Iris Marion Young (2000). In her view, rational argumentation has a place in deliberation but should be complemented with other forms of communication, where non-linear, embodied, emotional and/or disruptive elements are central, since these can contribute to an enhanced inclusion of diverse perspectives and help create understanding across social and cultural differences. Young focuses in particular on three forms of communication which she thinks are ignored by deliberative democrats, namely greeting, rhetoric and storytelling. Greeting refers to some kind of public acknowledgment at the beginning of a deliberative process, when people are introduced to each other and acknowledged as valuable participants (p 57-60). The purpose is to assert discursive equality and establish bonds of trust which help the deliberative process to get started. The inclusion of rhetoric is perhaps more controversial and goes against Habermas's view of deliberation, among others. In Habermas's (1984) theory of communicative action, rhetoric is seen as a strategic/instrumental type of action with the aim of manipulating others into agreeing with one's own views, rather than to reach a common understanding through rational argumentation. Young (2000, p 66) disputes this idea and claims that all speech is rhetorical at some level: "While it is appropriate to distinguish between communicative acts that aim to further understanding and cooperation and those that operate strategically as means of using others for one's own ends, this distinction cannot be made by means of a distinction between purely rational and merely rhetorical speech". Even rational argumentation has a certain cool, detached style which is easily recognizable (p 65). The benefits of rhetoric are manifold, according to Young: it can help us gain a deeper understanding of others, it may push neglected items onto the political agenda and it can move our hearts and inspire us to take action. The point is not, she contends, to replace argumentation with emotional appeal, but rather to allow argumen-

tation which involves emotions, metaphors and puns and which can be humorous, ironic, mocking and even majestic in its tone (p 79). Finally, storytelling – which is similar to Sanders's practice of testimony – will be important when citizens have very different experiences, in order to establish a common understanding. In particular, marginalized groups and individuals should be encouraged to tell their own story, in their own words, about their situation and interests, without being under any obligation to formulate universalizable arguments. Young exemplifies with the women's movement, which helped women to openly talk about their personal experiences of sexual harassment, thereby identifying a problem before demanding that it be addressed in the law (p 73).

Young (2001) has also questioned the deliberative ideal from the perspective of civil disobedience. In a society of great inequalities, deliberation will only benefit those in power, she claims. Formal inclusion is not enough, since the agenda tends to be constrained and the discussion dominated by hegemonic discourses which allow for no real opposition. By participating in deliberative processes under such circumstances, concerned citizens risk legitimating the very system they oppose and they should instead direct their energy towards the use of non-deliberative means, in particular direct action. This means participating in street marches, boycotts, sit-ins, "unfurling banners, throwing stink bombs, or running and shouting through the aisles" (p 673). The goal of these activities is not to reach agreement with one's adversaries and to justify one's claims to them, but "to rupture a stream of thought, rather than to weave an argument" (p 687). Young argues that there are certain limitations to what political activists may do: they should not use violence or seriously damage other people's property. They should also be motivated by universalist concerns, such as redressing harm and injustice, rather than narrowly partisan ones. But they need not act in a deliberative way, as it is commonly understood by deliberative democrats.

Should the deliberative ideal of rational argumentation be abandoned? Let me discuss the various arguments in turn. Sanders's critique is an important reminder of how power will always be a factor in human relationships, even (or perhaps especially) when it is invisible. On the other hand, her pessimism regarding the deliberative ideal seems unwarranted. If the robust kind of equality and educational rights associated with a deliberative democracy are respected[105], then it can be expected that the asymmetries which Sanders identifies would be much less prevalent (Dryzek 2002, p 65). Furthermore, it is difficult to see how remaining inequali-

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[105] See footnote 83.

ties/differences – in status, argumentative skills, temperament, and so on – can be addressed without deliberation being at least part of the solution (Gutmann & Thompson 1998, p 134). Sanders's claim that rational argumentation serves the interests of the powerful is questionable from a historical perspective: in the past, much of the radical criticism of society relied on rationalist foundations, while those defending the existing order appealed to sentiment/emotions, authority and settled tradition (Gutmann & Thompson 1998, p 134). Testimony can be valuable if it expands the horizon of those participating in the deliberative process, but it is incomplete without further deliberation involving rational arguments: "Testimony alone does not move a political process forward. It may bring differences to the attention of others, but without deliberation it leaves the differences unresolved, the policies unchanged" (Gutmann & Thompson 1998, p 137). Even if not all differences can in fact be resolved, this is a judgment to be made after – and not before – actual deliberation has taken place.

Both Sanders and Young argue against a conception of deliberation as rational argumentation in a very narrow sense. In my view, rational argumentation should not – and indeed cannot – exclude emotions, greeting and testimony/storytelling[106]. The very idea that emotions are non-rational can be questioned on rational grounds. Charles Taylor (2009, p vii) argues that emotions contribute to, rather than detract from, our reasoning, much like visual impressions, and that we would not be able to reason without them. Henry Richardson (2003, p 191) agrees:

> It is only via our emotional reactions that we fully arrive at a judgment of the significance of such cases [the Holocaust, JR]; and what we learn from our emotions about such cases can often be conveyed in no other way. We need to reason in an emotionally informed way, seeking perspective without assuming that 'the cool hour' is authoritative or privileged.

Furthermore, emotions are often based on beliefs about what is the case, and can thus be discussed rationally (Oksenberg Rorty 2009)[107]. This is the positive case for emotions, and for rhetoric, i.e. speech which to a large extent engages the emotions and the imagination of the listener. A negative case for rhetoric can also be made: according to Lois McNay (2008, p 95), one cannot make any clean distinction, as does Habermas, between ra-

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[106] Nor can it ignore the importance of body language and facial expressions, something which I will not discuss here (see Benhabib 1992, p 58-59).

[107] For example, it would be irrational for a person to be proud of having read hundreds of books if he/she had in fact only read one.

tional and emotional elements of speech, since these are "inextricably inter-twined elements in linguistic interaction". At best, it seems this distinction is of a gradual kind. In any case, I agree with John Dryzek (2002, p 67) and others about the potential problems concerning rhetoric in deliberation. If it is intentionally used to deceive those who are listening, it does not meet the basic deliberative requirement of sincere communication. In the same way, the requirement of showing respect towards others would be violated if the speaker uses colorful and emotional language to express hatred for a particular group of people. There is also a risk that rhetorical speech favors those who are trained to be skilled speakers rather than economically and culturally marginalized groups and individuals, so that rhetoric – as well as greeting and storytelling – reinforces rather than compensates for social hierarchies (Dryzek 2002, p 67). As for greeting, such ceremonies can be used to intimidate persons, to establish exclusive relationships and/or to draw attention away from contentious political issues (p 69). Storytelling can lead to oppression of individuals within a group who do not agree with the overarching narrative, and must for this and other reasons be open to critical investigation (p 67)[108]. In the end, then, rational argumentation will occupy a central place in deliberative processes, even if contributions of a primarily emotional kind should be allowed, especially if the point of these is to draw attention to neglected/silenced perspectives and interests.

The more extreme non-deliberative actions which Young defends can be seen as necessary means to secure deliberative democracy itself, if it has been high-jacked by powerful interests[109]. Young claims that these actions are appropriate for anyone who thinks the status quo is unjust and is motivated by universalist concerns; but how can one know that the status quo is unjust, and that one's ideals are universal, without first deliberating about these matters, including with those whom one opposes? As Talisse (2005b, p 428) points out, Young's activist gives the impression of being rather arrogant when he "takes himself to know what justice is and what its implementation requires". If the more extreme measures defended by Young are to be justified, it has to be the case that the status quo is undemocratic, and the goal should then be to reinstate democracy and not to promote a certain agenda:

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[108] It should be noted that Young (2000, p 57, 78-79) is aware of these risks with her alternative forms of communication.

[109] See Fung (2005) for an interesting discussion of civil disobedience from a deliberative democratic point of view.

a deliberativist approach to activism must stipulate that proper activism is aimed at restoring, cultivating, fortifying, and enriching the deliberative process itself rather than at instituting substantive policies … once [a deliberative democratic] system is in place, substantive questions of justice must be decided by democratic deliberation rather than by activist methods (p 439, italics removed).

This is not to say that street protests cannot qualify as deliberative if their aim is to engage with other citizens rather than to simply demonize them, or that people should be prohibited from engaging in boycotts, but only that the deliberative process should not be by-passed for any other reason than to preserve deliberative democracy itself[110].

3.8. Deliberation and political reality

Since deliberative democratic theories are often accused of being utopian and removed from "political reality", I will now briefly discuss the model which I have developed in this chapter in relation to three aspects of this reality: political representation, majority decisions and political compromises.

The principle of reciprocity states that individuals who are bound by the laws and policies of a legal and political community have the right to be involved, in some non-trivial way, in the formulation and decision of these laws and policies. For obvious practical reasons, this involvement cannot be in the form of face-to-face deliberation together with all other citizens. Robert Dahl (2000, p 106-108) has calculated how much time it would take to let 10 000 persons deliberate about a particular issue, providing that they have 10 minutes each to talk and deliberate for 8 hours a day – the result is 208 days. Thus, only a small minority of the actual population can personally contribute to any actual deliberative democratic process. This means that most persons will be represented by some other person: either a representative of their own choosing, or a representative picked by some other method (for example lottery), or those citizens who claim to speak for everyone else. It seems that only the first option is compatible with the rights of democratic citizens to a meaningful involvement

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[110] In practice, it will often be hard to tell if extreme versions of civil disobedience are justified or not. Consider, for example, the demonstrations against the WTO in the 1990s: one could argue that the protesters were defending democracy against globalized capitalist interests and their elite-controlled agenda, or one could argue that they were radical leftists with no respect or patience for the regular democratic process.

in the political process. Still, it is not sufficient on its own (Karlsson 2003, p 221). Firstly, citizens must have access to adequate information about the different political candidates and parties, what they stand for, what they have done in the past and so on. This gives the media an important role, and may also motivate state subsidies to independent media outlets and laws against media monopolies. Secondly, political representatives must be open to input from citizens between elections, and should take this input seriously and be prepared to justify their actions. Thirdly, the processes taking place in the political system must be transparent so that citizens know what is happening and what their representatives are doing. Otherwise, they cannot hold their representatives accountable. The citizens – for their part – should be willing to think through the issues and to deliberate about them with others, and be open minded and willing to seek out and look at all the options[111]. Furthermore, they should vote for the candidate or the party they sincerely think advocates policies that are in the interest of society as a whole, and not just those that are beneficial to themselves.

What distinguishes a deliberative democratic model from more liberal models of democracy, then, is not a lack of elections and political representation. The difference is rather that elections are seen as one (important) way of involving citizens in the formulation and decision of laws and policies, but one which should be supplemented with ongoing processes of deliberation taking place in civil society (the informal public spheres) and in the formal public spheres of parliaments, courts and so on, as well as across these spheres. Such processes make possible moral and political learning, and may therefore lead to more rational and legitimate outcomes, in comparison to a democratic model where subjective preferences and opinions are simply aggregated without any public and critical discussion/reflection. Thus, there are (at least[112]) two ways for citizens to participate in the formulation and decision of laws and policies: through periodic elections and through ongoing deliberative processes in and between civil society and the formal public spheres. This openness to political input from civil society means that economic and other inequalities in society must be

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[111] As Robert Goodin (2003) points out, much of the actual deliberation in large-scale and pluralist societies will realistically have to take place inside the head of each citizen, rather than in deliberative processes among citizens. In the end, however, such internal deliberation can only be a complement to, and not a substitute for, intersubjective deliberative processes.

[112] I have not mentioned the possibility of involving citizens in more focused deliberative settings, for example citizen juries, public advisory boards and deliberative polls (Cohen 2009, p 258-260). These can be valuable, I think, but in this section I will focus on the macro perspective.

addressed; in particular, there should be independent (in relation to political and economic elites) and diverse media[113] and a system of education where all citizens can learn about politics and learn how to think critically and deliberate about various issues (see Chapter 4).

Because of time constraints and political disagreements (even after deliberation), majority decisions will often be necessary on the parliamentary level. Such decisions are less problematic in relation to the deliberative democratic model in this chapter – which only stipulates a right to a non-trivial involvement – than in relation to those theories where political legitimacy is seen as depending on the consent of all those who are affected by the decision in question (see footnote 61). Nevertheless, I agree with Habermas (1998, p 179) that majority decisions should only be accepted as an "interim result of a discursive opinion-forming process" and be "premised on a competent discussion of the disputed issues". Majority decisions may be overturned if the minority at some point succeeds in forming a new majority and should be preceded by a deliberative process in which arguments and view points of the minority are heard and taken seriously. Furthermore, majority decisions, like any political decision, must respect the primary rights of individuals, i.e. those rights that are internal to the democratic process itself or necessary for participation to be meaningful (see section 3.4.). Otherwise, there would be a risk of a "tyranny of the majority".

Finally, political decisions – including majority decisions – will often be based on compromises, rather than on consensus. The typical compromise is a situation in which X and Y agree to support law or policy Z, although neither of them consider it to be the superior option. Another common situation is where X agrees to support law or policy Z, even if X would prefer some other law or policy (or none at all), in return for some future favor from Y (who supports law or policy Z). The problem concerning these decisions is that they undermine the deliberative ideal of rational decision-making (Gutmann & Thompson 1998, p 71-72). In the first example, policy Z is sub-optimal since neither of the parties prefer it. In the second example, policy Z succeeds despite having real support only from a minority. This means it cannot be said that "the better argument" has won. There is also a risk that weak parties with little bargaining power are shut out from the decision-making. But, as Gutmann and Thompson (1998, p 72) argue, "[t]o insist that each proposal gain majority support on

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[113] Cf. Habermas (1998, p 442): "The mass media must be kept free from the pressure of political and other functional elites; they must be capable of raising and maintaining the discursive level of public opinion-formation without constraining the communicative freedom of critical audiences".

its individual merits would be to ensure that relatively few new proposals would become law". In other words, compromises are inevitable. What can be done is to demand that the compromising parties only support the compromise if they think it is rationally and morally acceptable taken as a whole (p 72), and to ensure that all relevant interests are being heard and treated equally in the process leading up to the compromise (Habermas 1998, p 181).

3.9. Summary

In this chapter, I argue that democracy is justified because of its intrinsic qualities rather than its (beneficial) consequences, whether these are seen as a maximization of happiness or preference satisfaction or as an increase in the chances of finding and making correct political decisions. More specifically, I suggest that democracy is based on a principle of reciprocity, which says that individuals who are bound by the laws and policies of a legal and political community have the right to be involved, in some non-trivial way, in the formulation and decision of these laws and policies. The demand that individuals should have a non-trivial or meaningful influence on the democratic process leads me to endorse a deliberative kind of democracy. Furthermore, I argue that a deliberative democracy is preferable to minimalist alternatives since it allows for a rational will-formation rather than a simple aggregation of individual preferences and that it is more compatible with pluralism in so far as it takes moral commitments seriously and does not reduce these to the language of preferences. I suggest that the principle of reciprocity can be supported in an overlapping consensus, i.e. for moral reasons which may differ between reasonable persons, and defend this idea against critics who argue that it leads to an unstable modus vivendi. I criticize the liberal view on the relation between individual rights and democracy and argue that certain rights (primary rights) are internally related to the democratic process and should enjoy special protection, while other rights (secondary rights) are not internally related to the democratic process in this way and should therefore depend on the will of the democratic majority, although the principle of reciprocity sets certain limits to what can count as a legitimate outcome. I then discuss whether or not reasonable persons should recognize the burdens of judgment, i.e. a set of epistemic facts which explain why people are bound (or likely) to disagree about the correct answer to complicated moral, religious and philosophical questions. I defend this idea against critics who claim that it is incompatible with pluralism and/or that it is superfluous, and suggest that it should be understood as a disposition of non-dogmatism, whereby one acknowledges that it is rationally and morally possible for other persons to disagree

with one's own convictions even if one considers these to be the most reasonable ones. Without this disposition, deliberation would not be productive and perhaps be impossible. Moving on, I discuss whether or not democratic citizens should restrict themselves to using so-called public reasons – i.e. reasons which are intelligible, acceptable and/or testable to a general audience – when deliberating in the formal public spheres of parliaments, courts and administrations. I argue that this demand applies only to deliberations about political issues where empirical evidence is central and not for those political issues where metaphysics cannot be avoided, for example regarding the question of abortion rights. On issues of this latter kind, citizens should seek common ground with other citizens as far as possible and try to articulate reasons they sincerely think can be accepted and understood by these others, but they are not under any (moral or legal) obligation to provide public reasons. In regards to the issue of deliberation and rationality, I defend the importance of a rational will-formation whereby citizens and legislators provide good arguments for the laws and policies they prefer and listen to each others with an open, though critical, mind. This does not mean, however, that emotions and rhetorical speech are excluded from democratic deliberation; on the contrary, one cannot easily separate rationality from emotion, and rhetorical speech and storytelling may be important for bringing attention to neglected/silenced perspectives and interests. Finally, I show how deliberative democracy can be made compatible with political/empirical realities, focusing on three aspects of this reality: political representation, majority decisions and political compromises.

The deliberative democratic model developed in this chapter will be built on in Chapter 4, when I argue for a mandatory citizenship education and in Chapter 5, when I argue for children's rights to develop personal autonomy. It will also provide a general framework for the discussions in Chapters 4, 5 and 6.

4. Deliberative democracy, pluralism and citizenship education

4.1. Introduction

In this chapter, I argue for a mandatory citizenship education (MCE) for all children, which is upheld and protected by the state even against their own will, or the will of their parents, if necessary. I proceed to discuss what the content of MCE may be, in general terms, by drawing on the deliberative democratic model developed in Chapter 3 and examining various proposals and ideas for citizenship education made by other researchers/philosophers. The latter half of the chapter consists of a more detailed discussion of MCE in relation to four issues which centrally involve questions of pluralism in education: 1. the issue of whether schools should promote tolerance among children or go further and promote a more ambitious ideal of recognition/affirmation of different beliefs and values, 2. the issue of whether schools should promote patriotism or cosmopolitanism or something else, 3. the issue of whether schools should promote a rational/critical or a sentimental/uncritical understanding of history, 4. the role of Religious Education in relation to citizenship education.

4.2. The legitimacy of mandatory citizenship education

While human beings are not born as "blank slates" on which whatever messages can be inscribed (Archer 2001, Pinker 2003), they are still very malleable in comparison to most other known creatures. Thus, socialization – a process by which adult persons consciously and/or unconsciously shape the minds/bodies of the coming generation – is inevitable in the human world. The question is not so much "Why socialization?" as "What kind of socialization?", including questions of content, of place and of authority/power (over and in the socialization process). One can, however, ask "Why education?" if one uses the word education as denoting more or less formal and institutionalized processes of socialization[114]. In this section I will focus on a more specific question: Why mandatory citizenship education (MCE)? MCE refers to a process whereby children are given the opportunity to learn – in a participatory way – the knowledge, skills and dispositions they need in order to participate meaningfully and responsibly in the democratic process, both as future adults with full participation

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[114] For a discussion of the concepts of education and socialization, see Brezinka 1994.

rights and in the present[115]. This process is mandatory in so far as it is upheld and protected by state power, even against the wishes of children themselves or their parents (or a cultural, or religious, group), if necessary. In this section I will argue in defense of MCE, building on the deliberative democratic model which I developed in the previous chapter. This defense will follow two different, and complementary, lines of argumentation: one that starts from the perspective of the child himself/herself and one that starts from the perspective of all other citizens.

From the child's own perspective, MCE can be seen as a primary right, in that certain knowledge, skills and dispositions are needed for the child – both as a future adult with full participation rights and in the present – to participate *meaningfully* in the democratic process (see section 3.4). In other words, MCE follows directly, or so I will argue, from the principle of reciprocity, which – to recapitulate – says that individuals who are bound by the laws and policies of a legal and political community have the right to be involved, in some non-trivial way, in the formulation and decision of these laws and policies. Without a certain level of education, such involvement would indeed be trivial: casting a vote for a political representative, or participating in political deliberation, without having the means necessary to evaluate the options critically and making up one's own mind, or to understand and respond to complex ideas and proposals. As Robert Dahl (2000, p 37) puts it: "Opportunities to gain an enlightened understanding of public matters are not just part of the definition of democracy. They are a requirement for democracy". Similarly, John Rawls (2005, p 166) claims that "below a certain level of (…) education, people simply cannot take part in society as citizens, much less as equal citizens". In the Rawlsian vocabulary, political liberties (like other basic liberties) cannot be purely formal but must have a "fair value" (p 326-327) and MCE is motivated by the aim of making them so (cf. Gutmann 1999, p 30). There is one peculiar thing about MCE, however, and that is the no-

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[115] The reason for this weaker formulation – "are given the opportunity" – is that the outcomes of educational processes cannot be guaranteed, or fully determined, beforehand. For a discussion of children's political rights, see Lockyer 2004, p 132-135 and Dahl 1991, p 124-127. I will not specify up to what age children should be under the obligation of MCE, although I think a case can be made for mandatory schooling until the age of 18. I will be using the word "children" rather than "adolescents", however, and leave questions of age open to the reader. Finally, note that I am leaving out the need for vocational knowledge and skills. I see this as a separate issue from MCE, although the relevant knowledge and skills tend to overlap at the basic level (reading, writing, arithmetic, communicative competence and so forth).

tion of a primary right which is mandatory, i.e. a right which cannot *not* be exercised through the choice of the right-bearer himself/herself. One can choose not to use one's right to vote, or not to participate in political deliberation, but a child cannot choose to opt out of MCE. Thus, there is a streak of paternalism in this right. The idea is that children have an objective (or higher order) interest – in the present and as a future adult – in attaining the knowledge, skills and dispositions associated with MCE, and that this interest should be upheld and protected by state power against potential violation, including from the child himself/herself. I cannot defend the general idea of paternalism here, but simply want to note that it is an uncontroversial practice in contemporary democratic societies, where children have a different legal and political status than adults. It would be more difficult to argue for MCE for adult citizens, I think, if they have not received it as children (perhaps because they have fled from a country without an educational system)[116]. For children, the concern is rather that MCE avoids any tendencies to indoctrination, or so I will argue in the next section.

The second line of defense for MCE starts from the perspective of all other citizens. The idea is that MCE for all (or most) children is needed to secure the primary right of all citizens – children and adults – to a non-trivial involvement in the democratic process. Only if all (or most) citizens are able to participate *responsibly* in this process can it be secured over time, with the quality needed for everyone's involvement to be meaningful. Ian MacMullen (2007, p 16) captures this dimension of MCE when he writes that citizenship education "is primarily a boon not to the individual recipient but rather to all other persons in the state: the existence of an appropriately educated citizenry is a kind of public good, which is of value to all, but whose realization is not without cost to certain individuals". One qualification should be added here. I have already hinted (by adding "or most" in the sentences above) that the primary rights of all citizens can be protected without every single child being educated for democratic citizenship. According to Harry Brighouse (2000, p 44), "[a]ll that civic stability requires is that some large critical mass of citizens are educated to a certain threshold, not that all are". The truth of this observation depends on what model of democracy one favors. In a minimalist model of democracy, much less is demanded from citizens than in the deliberative model I have suggested. In any case it is probably correct that democracy can func-

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[116] Here it seems more appropriate to have an optional citizenship education, financed and regulated by the state.

tion quite well without 100 per cent of the citizens having undergone MCE as children. Thus, the second line of defense for MCE is somewhat less effective than the first one, if MCE is to apply to all children without exception.

A more radical version of Brighouse's objection would be to argue that citizenship education *as such* is unnecessary; that the health and survival of a democratic society can be guaranteed through cleverly designed institutional mechanisms – a free press, an independent judiciary, a written constitution – without any need for certain knowledge, skills and dispositions among its citizens. This objection only works, however, if one favors a model of democracy which is minimalist in the extreme, and perhaps not democratic at all (Kymlicka 2001, p 293-295). It is also questionable from an empirical point of view: "As the fate of scores of 'constitutions' around the world shows, paper declarations are worth little if not accompanied by the appropriate political culture of liberty" (Waldron 2002, p 78-79)[117]. Even the market system depends on individuals who are "willing to play by the rules, to respect the property rights of others, and to be self-reliant. If all or most are sluggards, thieves, and free riders … the invisible hand loses a lot of its magic" (Spragens 1999, p 216). It seems, then, that citizenship education is necessary for democracy to survive and prosper[118].

Or is this too hasty a conclusion? The very concept of mandatory citizenship *education* suggests the need for formal institutions (schools) where children are given the opportunity to learn the knowledge, skills and dispositions they need in order to participate meaningfully and responsibly in the democratic process. But perhaps these can be learned outside of the school: in the marketplace, in the family, or in other associations? In reply to this objection, it should be granted that the relevant knowledge, skills and dispositions *can* be learned outside of the school; one must not assume, however, that parents and, say, religious organizations will necessarily teach children to tolerate and respect others (including persons with very different beliefs and values) and to think critically (including about one's own beliefs):

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[117] Cf. Mac Mullen (2007, p 17-18): "Laws and constitutions are not self-enforcing, liberal democratic institutions and minority protections are not self-sustaining in the face of widespread public opposition, and no set of formal mechanisms, checks, and balances can safeguard liberal democratic principles to which private citizens and public officials attach insufficient value". One example of this is the Supreme Court in the United States, which has historically denied equal rights for black persons (see footnote 89).

[118] For empirical evidence on the positive effects of citizenship education, see Galston 2007.

> The reason why people join churches, families or ethnic organizations is not to learn civic virtue. It is, rather, to honor certain values, and enjoy certain human goods, and these motives may have little to do with the promotion of citizenship. To expect parents or priests to organize the internal life of their groups so as to maximally promote citizenship is to ignore why these groups exist in the first place. (Kymlicka 2001, p 303; cf. MacMullen 2007, p 19)

Thus, associations can be entrusted to teach children the requisite knowledge, skills and dispositions only if they are denied the space to organize themselves around beliefs and values which are less than "maximally" (or even minimally) democratic. There are reasons for believing that these associations would prefer to send their children to a school where MCE is being taught rather than to give up on their own beliefs and values. This is not to say that associations, including families, cannot play a supplementary role – for example, as providers of "social capital" and mutual trust among citizens (Putnam 2000)[119] – but only that there is a need for institutions where education for democratic citizenship is the main purpose[120]. As for the marketplace, it can be argued that consumerism promotes a "live and let live"-attitude with beneficial effects for democracy (Lipovetsky 1994; Holmes 1993, p 218), but, as we shall see in section 4.3.1., there is more to tolerance than simple indifference. Moreover, the marketplace has a tendency to teach selfishness and irresponsibility, both of which are problematic from a democratic point of view (Kymlicka 2001, p 300-301). Finally, Cass Sunstein (2002) has argued that contemporary information technology isolates people in like-minded groups, where they can design their own TV-experience, select which ideological profile they want for their news and information, and shop from web sites devoted to people with certain tastes. If this is correct, there is even less reason to believe that citizenship education will take care of itself without any need for schooling, in so far as democratic citizens need to meet each other across ideological, cultural and religious barriers and learn about beliefs and values different from their own (Englund 2010, p 242; 2011, p 2; see also section 6.3.2.).

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[119] But see Rothstein 2005 for a critique of the social capital thesis.

[120] At least for the foreseeable future, see section 6.4.

4.3. The content of mandatory citizenship education

I have already mentioned some of the content of MCE in the previous section. Children should learn the relevant facts[121] about political institutions and the society they live in, and be encouraged to critically reflect on and discuss/deliberate[122] about these facts in the classroom. They should also learn about, and critically reflect on, different political beliefs and values, as well as other kinds of beliefs and values when these have a bearing on political matters. Moreover, there should be an aim of teaching children to respect the primary rights of those who subscribe to beliefs and values different from their own. I will now discuss the content of MCE in more general terms, before focusing on four different aspects of this content in the following sections[123]. I have argued that MCE follows from the principle of reciprocity in two ways: it gives children the opportunity to learn the knowledge, skills and dispositions they need in order to participate meaningfully (thereby securing their own primary rights) and responsibly (thereby securing the primary rights of other persons) in the democratic process. One central task in MCE is to reflect on the principle of reciprocity itself: Why should citizens respect the primary rights of other citizens whose views they may find irrational and/or immoral? Why should they refrain from using political coercion to impose their own favored philosophical or religious beliefs and values on society as a whole, if they have the chance to do so? I have argued that the principle of reciprocity can be supported as the object of an overlapping consensus among persons who adhere to different moral, religious and philosophical beliefs (see section 3.3.), which means that the answer to these questions should be left to each child to answer for himself/herself, preferably after having discussed them with others (including the teacher). One should not overestimate the degree of philosophical sophistication required for this task: what is needed is not

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[121] By the concept of "facts" I refer to empirical propositions which can be more or less controversial. For example, the proposition "Sweden is a market economy" is somewhat controversial (or at least it used to be), while the proposition "The GDP of Sweden increased by 5.7% in 2010" is uncontroversial. As I point out below, it is important that facts are not taught in a context-less and uncritical way.

[122] In this chapter I will use the words "discussion" and "deliberation" as synonyms.

[123] As for the question of how MCE fits into different school subjects, I would argue that it has a place in all of them, to varying degrees. In particular, one must not forget the importance of an informed and critical perspective on the natural sciences, and especially on questions of technology and technological development (in relation to ethics and the environment). These questions are already important, and can be expected only to grow in importance.

so much a comprehensive account of how one's own beliefs and values relate to the principle of reciprocity but rather some sort of hunch about why it is proper to show respect for the primary rights of other persons[124]. It could be helpful, however, if children are provided with material on the relations – past and present – between democracy and different philosophical and religious traditions and views.

The idea that the principle of reciprocity is supported in an overlapping consensus rules out any model of citizenship education where the values of democracy are taught as being connected to a *particular* philosophical or religious doctrine. If a democratic majority were to decide to impose such a doctrine on all schools, it would, I think, be fair to say that the democratic process has been abandoned and that the minority has a right to civil disobedience and outright rebellion, at least in a pluralist society (see section 3.4). There is a grey zone here between connecting democratic values to a particular doctrine and simply stating that these values have historically been transmitted as part of a particular doctrine. In Sweden, the Christian Democrats have argued for a reference to "Christian ethics" in the national curriculum, something which Tomas Englund (2006, p 505), among others, interprets as an attempt to single out the Christian world view as foundational to democracy. But this interpretation is not self-evident, and much depends on how the reference to Christianity is handled in the classroom: is democracy supported on the basis of a Christian world view or does Christianity figure only as part of the legitimate attempt to teach children about the historical development of their particular society (see section 4.3.2.)[125]?

It would be similarly problematic to connect democratic values to a particular secular philosophical doctrine, such as, for example, John Dewey's educational philosophy. In this philosophy, democracy is seen as "the cause of the fullest possible realization of human potentialities" (Dewey 1991, p 154) and "a way of life" (p 155), where citizens collectively inquire into shared problems at all levels of society – especially in schools – and where the goal of salvation in the after-world is replaced by the goal of human "growth" here and now, and religious beliefs by faith in the scientific method (Dewey 1934). I would not go as far as Stephen Macedo

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[124] Also, it can be expected that many children will have something less than fully formed and distinctive beliefs and values (see footnote 33).

[125] Assuming that Christianity has historically been a force for democracy in the West, including Sweden; something which can be disputed. It would probably be more accurate to say that certain versions of "Christian ethics" have been supportive of democracy, while others have not.

(2000, p 143) – who considers Dewey's view of democracy to be "disturbingly totalistic"[126] – but it seems to me that these controversial ideas about religion, science, progress and the ends of human life cannot be used as a basis for citizenship education in a pluralist society (cf. Talisse 2003). In comparison to Dewey, communitarian philosophers are often less explicit about their metaphysical beliefs (concerning epistemology, the nature of value etc.), but also less hospitable to pluralism in so far as they defend the existence of a common good which is known in advance, rather than being the product of a collective inquiry, and which should be promoted throughout society, including in schools. Of course, the idea of a common good is not anti-pluralist *per se* – one could argue that the knowledge, skills and dispositions promoted in MCE make up a kind of (minimalist) common good – but in the communitarian account this idea is often connected to notions of a common cultural identity, common values other than basic democratic ones and a particular view of the good life (see the critique of Sandel in section 2.5.1.). Again, in homogenous societies it may be unobjectionable to have schools promoting a common cultural identity and "thick" values (as long as children are also encouraged to critically reflect on these values), but in pluralist societies no such identity and values are likely to be found[127]. Hence, it seems that MCE can only "promote specifically political virtues but not ideals of life as a whole" (Macedo 2000, p 12)[128].

In section 4.2., I mentioned that MCE should avoid any tendencies to indoctrination. This is because it would be incongruent to manipulate people into accepting a principle (and its associated values) which itself says that they should have the right to a non-trivial involvement in the democratic process. Furthermore, it seems impossible to teach children to think critically about political matters without also thinking critically about MCE and the principle of reciprocity. Thus, I agree with MacMullen

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[126] Let me give the full quote: "There is certainly much that is humane and admirable in Dewey, but his vision of a democracy united by a common faith in the 'one sure road to truth' is disturbingly totalistic".

[127] I do not think that it is problematic if schools teach children the history of the society in which they are citizens, or the dominant language(s) of this society, in so far as it is needed for them to participate in the democratic process (Gutmann 1999, p 315-6; Fullinwider 1996, p 173). This does not mean that the school cannot also teach children other languages, such as the language(s) of their home environment if it/they differ(s) from the dominant language(s) in society.

[128] Cf. Rawls (20005, p 195): "The political virtues must be distinguished from the virtues that characterize ways of life belonging to comprehensive religious and philosophical doctrines".

(2000, p 20) that "[t]he ideal of conscious social reproduction[129] is not satisfied by a society where each generation's commitment to liberal democratic principles is simply manufactured by the preceding generation through public education policy"[130]. According to MacMullen (p 44), it may be that some children reject basic democratic principles after having reflected on them, and this is "a risk that liberal democracies must be willing to take for the sake of their own legitimacy". Since I do not share his view of political legitimacy being based on consent (see footnote 61), I have fewer qualms in principle about schools taking a strong stand against anti-democratic beliefs and values, as long as the person espousing these beliefs and values is being treated with respect (in keeping with the ideal of inclusiveness). But it is true that MCE cannot guarantee – as a practical matter – that all children will come to accept the principle of reciprocity and its associated values.

If MCE must allow for a certain amount of "meta-criticism", it is also important that it is critical in relation to established institutions and practices in society. If children are to become enlightened voters and participants in political deliberations they should learn about political facts and different theories of society and should also be given the means and the option of critically reflecting – alone and together with others – on these facts and theories[131]. As Joseph Kahne and Joel Westheimer (2004) note, the specific features of citizenship education will depend on how one sees the role of citizens. They claim to have identified three conceptions of citizenship based on empirical studies of different programs for citizenship education: 1. the personally responsible citizen, 2. the participatory citizen, and 3. the justice-oriented citizen. The personally responsible citizen has a good character, is honest, obeys the law, pays his/her taxes, stays out of debt, and is ready to volunteer and help others in times of crisis, for example by contributing food to a food drive for poor people. The participatory citizen is an active participant in various organizations, knows how to run a meeting and is ready and willing to engage in collective efforts to improve society, for example by organizing a food drive for poor people. The justice-oriented citizen is aware of social, political and economic structures in society and how they reproduce patterns of injustice over time. He or she sees the root causes of poverty and is prepared to join others in social movements to affect systemic change if necessary to help the poor. Kahne

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[129] This expression comes from Amy Gutmann (1999, p 14) and roughly corresponds to the concept of citizenship education.

[130] Cf. Brighouse 2000, p 76-79. More about this issue will be said in section 4.3.3.

[131] Preferably in an integrated process, see Hare 1999, p 94.

and Westheimer (2004, p 243) claim that one can find value in all three conceptions and that they can be combined to a certain extent, even if there are tensions between them – for example between law-abidingness and civil disobedience, and personal responsibility and notions of structural injustice. In the end, they prefer the conception of a justice-oriented citizen, since the other two conceptions are not necessarily democratic: one can be a loyal citizen and a willing participant without being a democrat (p 244). There is also a risk that the focus on personal responsibility and volunteerism obscures the need for collective action to influence society. They are quick to point out that justice-oriented citizens can belong at all ends of the political spectrum. What is important is that one critically reflects on social, political and economic structures, not that one affirms a particular conclusion about what is the case or what should be done (p 243). This qualification is unlikely to satisfy conservative and libertarian critics, however, since the very idea of structures and structural change has something of a leftist ring to it. I will return to this issue shortly, when discussing the relation between critical thinking and critical pedagogy.

I find Kahne and Westheimer's analysis to be helpful and generally agree with their conclusions. MCE cannot be reduced to the goals of promoting personal responsibility and law-abidingness; without the component of critical reflection there is no difference between democratic citizens and the subjects of an authoritarian regime. Neither should it promote an uncritical ideal of participation, since "[e]mphasizing participation does not yet explain how to ensure that citizens participate responsibly – namely, in a public-spirited, rather than self-interested or prejudiced way" (Kymlicka 2001, p 301). The ideal of participation may also be anti-pluralist if it is connected to a comprehensive view of the good life:

> Some people will find their greatest joys and projects in other areas of life, including the family, or the arts, or religion. A liberal democracy must respect such diverse conceptions of the good life, and should not compel people to adopt a conception of the good life which privileges political participation as the source of meaning or satisfaction (Kymlicka 2001, p 297; cf. Galston 2002, p 4 and Rawls 2005, p 206).

Instead, MCE should strive for an ideal of participation which is less demanding and comprehensive than the republican one, but more ambitious than a "stand-by citizenship" (Amnå 2008) where citizens are largely passive until something problematic happens which demands their attention. Citizens do not need to dedicate their lives to politics, but it would be preferable – from a democratic point of view – if they are familiar with the

political issues of the day, as well as the larger context surrounding these issues, and are willing to engage in formal or informal deliberations with other citizens and with their political representatives.

Let me now expand on what could be meant by an education for critical citizenship. It should be noted that critical citizenship demands a grasp of basic facts about politics and society on behalf of the citizens; one cannot be a critical citizen without knowing something about the institutions of democracy, about the history of one's society and the different ideologies in relation to different political parties and social movements. These facts must not, however, be presented in a superficial, lifeless and uncritical way – where atomistic bits of information about names, dates and places are provided without a context to link them together, where politics is presented as "whatever politicians do" and conflicts and controversial issues are downplayed or simply ignored (Avery 2002, p 123). Instead, facts should be taught as part of a wider context, the relevance of politics to the daily life of the citizens should be made visible and there should be opportunities for critical reflection and deliberation in the classroom. In order to aid this critical reflection, it may be helpful if children are taught certain intellectual skills and dispositions, including the ability to assess reasons and arguments in the light of epistemic criteria and logical standards, and to detect biases (including one's own), implicit assumptions, claims based on unreliable authority, and faulty generalizations, as well as the willingness to do all this[132]. These skills and dispositions are best learned together with a substantive body of knowledge, for several reasons. Firstly, the practice of critical thinking is partly subject-bound (thinking critically about literature differs from thinking critically about mathematics or physics) (Hare 1999, p 93). Secondly, critical thinking often depends on a certain context of meanings; for example, the statement "Saddam Hussein deserved to be hanged for his crimes against humanity" involves the assumption that hanging is a proper punishment for crimes against humanity, but also – in relation to a very different context of meanings – that Saddam Hussein is not a divine ruler since divine rulers could not deserve to be hanged (Meija 2009). The choice of context is not arbitrary – some beliefs and meanings are more reasonable than others – but it is important that critical thinkers are aware of what context they are relating to, so that they do not simply take this context for granted. Thirdly, critical thinking must not be isolated from the wider society: "it is only in the context of social relations that these dispositions or character traits can be formed or expressed, and for this reason the practice of critical thinking inherently

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[132] For a general account of critical thinking, see Fisher 2001.

involves bringing about certain social conditions" (Burbules & Berk 1999, p 46). On this issue one can find a difference between critical thinking and so-called critical pedagogy. Critical pedagogues generally focus on what they take to be social injustices where some individuals or classes dominate other individuals or classes and they see pedagogy as a means to bring about a more just society through "consciousness-raising" and critical reflection (see for example Freire 1970, Giroux 2001). For these critical pedagogues, the concern is not so much that people lack certain intellectual skills and dispositions but rather that they are immersed in power relations which affects, or distorts, how they interpret the world from the ground up (Burbules & Berk 1999, p 52). Thus, children must not learn how to evaluate certain arguments and propositions in isolation, but these arguments and propositions should be related to a larger context of positive facts about societal injustices and asymmetrical power relations and their consequences. One critique of this approach is that it leaves too little to the process of critical reflection, and instead promotes a particular (leftist) political agenda (p 54)[133]. What if one comes to the conclusion – after proper critical reflection – that society is not unjust, or that it is unjust towards rich persons and multinational corporations? In my view, critical pedagogues are right in pointing to the need for reflection on questions of power and its effects on social relations (including language[134]) and knowledge production; the outcome of this reflection, however, should be left unspecified. Schools may legitimately defend democratic values and should encourage children to critically reflect on questions of power, but not otherwise take a stand on political issues[135]. Still, basic educational values such as respect for evidence and logical reasoning will in practice limit what conclusions are possible, even if some children may resist adjusting their views to fit the evidence[136].

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[133] Cf. Meija 2009, p 363 "[Critical pedagogy] presupposes a number of commitments to particular normative positions about both individuals and society, which should themselves be subjected to critical thinking".

[134] See Fairclough 1992.

[135] As for the right vs. left-dimension, remember that my deliberative democratic model leaves the question of property rights and economic redistribution largely, if not fully, open. At a minimum, schools should promote welfare policies which aim to secure the access to basic goods for every citizen, in so far as such policies follow from the principle of reciprocity (see footnote 83).

[136] Of course, I do not mean to suggest that the "evidence" is always straightforward (see footnote 122).

I have repeatedly mentioned that children should be encouraged to discuss various matters in the classroom. Here I am in the company of those who have developed what is sometimes called a deliberative pedagogy (see, for example, Englund 2006, Fritzell 2003 and Roth 2000). The general idea behind this pedagogy is that children should be given the opportunity to deliberate on various issues with each others, thereby improving their understanding of these issues as well as learning how to cooperate with other persons. Thus, deliberation can be seen both as a pedagogical method with beneficial effects on learning in general (Simon 2006) and as an important part of citizenship education in a deliberative democracy (Englund 2006, Roth 2000). It seems that most proponents of a deliberative pedagogy agree that teachers should be active rather than passive in relation to children, but in a way which does not discourage or hinder children from participating in the discussions. According to Englund (2006, p 515), the role of the teacher is "central" when it comes to deciding whether or not deliberation is possible and meaningful in particular situations, and in connecting the discussion to specific themes. Stephen Brookfield and Stephen Preskill (1999, p 9) argue that teachers should not limit themselves to listening to children, but follow up with relevant questions, rephrase/clarify what has been said, invite others to participate and show how different contributions can be connected to each other. They may also question the experiences and viewpoints that are being expressed:

> Good discussion leaders ask provocative questions about experience. They supply alternative interpretations of students' experiences and new perspectives on those experiences. But they do so in a respectful way. They acknowledge that ultimately the experience is the students' own, and they never insist that students must agree with teachers' or anyone else's interpretations of experience (Brookfield & Preskill 1999, p 24).

The same could be said for their opinions, although these are less "personal" than experiences and therefore easier to discuss critically. There is a risk here that the teacher becomes too dominant in the classroom and that deliberation is replaced by lecturing (although lecturing has its place too)[137]. It takes a competent teacher to know how to steer the course be-

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[137] One particularly problematic version of this is the so called IRE-model where teachers initiate (I) the discussion with a question designed to elicit a predetermined response (R) from children, which is then evaluated (E) as correct or incorrect, before the process starts all over again (Simon 2006, p 109). Such quasi-deliberation is not helpful either from the perspective of citizenship education or from the perspective of learning more generally.

tween uncritical affirmation of children's experiences and opinions on the one hand and overtly intrusive and even disrespectful behavior on the other. As for the deliberative process, there is a need for some sort of structure – whether in the form of explicit rules or more informal norms or guidelines – to help make it inclusive and respectful, even when people are in strong disagreement, as well as productive and meaningful. Since a key ambition of MCE is to introduce children to opinions and viewpoints which differ from their own, and to help them engage with and reflect on these in a serious way rather than to immediately dismiss them, it may be a good idea to let children argue in support of such opinions and view points (Kunzman 2006, p 64). This would also fulfill another important aim, which is to teach children the disposition of non-dogmatism, i.e. the acknowledgment that reasonable persons can disagree on various matters without any of them necessarily being immoral or irrational (see section 3.5). Again, this acknowledgement must not be confused with relativism or skepticism; on the contrary, children should learn to respect the importance of providing evidence for one's claims, even if they may ultimately disagree about which conclusion is the most reasonable one (Kunzman 2006, p 86; see also section 3.5. and 3.6.).

Finally, something needs to be said about the role of emotions and the place for consensus in a deliberative pedagogy. In section 3.7., I argued that there is room for rhetoric and other non-rational (in a strict sense) means of communication in a deliberative democracy. The same is true for the classroom: without elements of passion, spontaneity and irony, deliberative pedagogy will take on an artificial character which may lead children to believe that it is irrelevant to the "real" world outside of the school, and/or simply bore them. Furthermore, it seems that emotions are a central part of what it means to be a critical citizen; one must have a passion for critical thinking, so to speak, and empathy and/or humility in order to truly understand experiences and viewpoints different from one's own: "real listening is not just passive reception. It is not just hearing. It is thinking. It is caring about what the person is saying" (Roth 2010, p 25). There should also be opportunities for children to simply share their experience – what Iris Marion Young calls storytelling (see section 3.7.) – especially if this experience is underrepresented in textbooks and in the class as a whole (although teachers may provide new perspectives on these experiences if they do so in a respectful manner, see above). As William Hare (1999, p 93) points out, "it may be entirely appropriate in many contexts to defer temporarily a critical assessment until one has established a relationship

and an atmosphere which is supportive and cooperative". This need for a supportive and cooperative atmosphere may sometimes also necessitate the intervention of the teacher if a discussion becomes too hostile and disrespectful towards certain persons (Kunzman 2006, p 93).

When it comes to the question of consensus, I agree with those who argue that it suffices with "temporary agreements" so that the participants come to a (second order) agreement on what the (first order) disagreements are (Englund 2006, p 513), after having tried to find common ground on which compromises and accommodations can be built (Kunzmann 2006, p 101). The need for agreements of this kind follows from the ideal of rational decision-making: if there is no common ground to be had, then politics is reduced to a mere power play with little or no need for rational argumentation. Even compromises are impossible in such a situation if the parties cannot agree on what they are compromising about. As Christer Fritzell (2003, p 13, my translation) notes, "conflicts cannot be dealt with adequately without an orientation towards the *possibility* of agreement". Without this orientation, there is a further risk that deliberation turns into a series of monologues rather than a dialogue, which "might encourage among children or adolescents a sense of futility of deliberation about the good or the right or engender a feckless skepticism or relativism in the face of apparently intractable differences" (Callan 2004, p 196). Instead, MCE should aim for children to understand and acknowledge that reasonable persons may differ in their commitments and beliefs (outside of the overlapping consensus), in particular when these are of a moral, religious or philosophical kind (see section 3.5.).

Before proceeding to discuss four different aspects of MCE in more detail, I would like to say something about the importance of the informal side of schooling for MCE. The knowledge, skills and – in particular – dispositions which children need to learn in order to participate meaningfully and responsibly in the democratic process will be undermined if the general atmosphere/culture/ethos of the school is authoritarian, hierarchical and/or unfriendly. Thus, MCE needs to pay attention to what is sometimes called "the hidden curriculum" (MacMullen 2007, p 31; Gutmann 1999, p 53-54)[138]. According to Stacy Smith (2008, p 45-46), schools must be "organized democratically" in order to "cultivate democratic autonomy and competence". This statement needs to be qualified, however. The content of MCE is important for all citizens equally as it effects their primary rights and should therefore be decided at the parliamentary level: schools

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[138] The concept "hidden curriculum" comes from the so-called new sociology of education (see, for example, Giroux 2001).

cannot choose – whether or not this choice is made by the children themselves in a democratic process – to implement an educational scheme which runs contrary to such decisions (cf. Lundström 1999)[139]. But providing that the larger framework of MCE is respected, it seems to be a good idea to involve children in the decision-making processes taking place in their school, whether through a formal student council or more informal channels[140]. This is especially so for older children (adolescents), whose political rights are expanding as they mature. It would also be instrumentally useful in so far as it prepares them for more active participation in the democratic process as adult citizens.

4.3.1. Tolerance or recognition?

One virtue (or disposition) which is central in discussions of citizenship education – not least in connection with questions of pluralism – is tolerance. In this section I will explore how tolerance can be understood in relation to the deliberative democratic model that I developed in Chapter 3. I will also discuss the critique of tolerance as a virtue for democratic citizens and the suggestion that citizenship education should strive for something more ambitious than "mere" tolerance, such as recognition – or affirmation – of different cultural and religious traditions.

What is tolerance? It seems that the everyday usage of this concept has to do with being non-judgmental in relation to different beliefs, values and practices. For example, a tolerant person has no problem with a homosexual couple walking hand in hand on the streets and is equally undisturbed by the construction of a new mosque in his village (if he/she is a non-Muslim). A tolerant person is an open-minded person, one who believes in the philosophy of live-and-let-live. This usage differs quite substantially from the way the concept of tolerance is used in academic discus-

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[139] This is not to deny that teachers, as professionals, should have a substantial influence on what happens in the classroom: "The case for political determination of aims and content does not rule out some element of professional control. Teachers may have no privileged status in setting the wider, political goals, but they do have a special expertise when it comes to applying general prescriptions to the complexities of actual schools and actual classrooms" (White 2005, p 106; cf. Gutmann 1999, p 77)

[140] Eva Forsberg (2004) argues that students' participation should consist of deliberative processes in which different views and ideas are tested in discussions before they are implemented, as opposed to the idea of student participation as a mere freedom of choice (of textbooks, teaching methods etc.). This suggestion fits in well with the deliberative democratic model that I developed in Chapter 3.

sions. It is not difficult to see why. The everyday usage of this concept presupposes, at some level, a moral consensus, or else moral indifference: I do not mind the hand-holding because I approve of homosexual relationships (consensus), or because I simply do not bother (indifference)[141]. But what if there are real moral conflicts? What does it mean to be tolerant if one morally disapproves of homosexual relationships? According to Rainer Forst (2007, p 40-41), the concept of tolerance – in contrast to indifference or open-mindedness – involves a component of rejection, i.e. a disapproval of the belief, value or practice in question. Furthermore, this disapproval should be morally justified, or at least not wholly unreasonable; a racist who declines to act on his/her racial prejudices deserves no praise for being tolerant, but should rather stop being prejudiced (p 41). It seems to me that there is room for a good deal of disagreement here. Can, for example, opposition to homosexual relationships be morally justified? If not, then one cannot be tolerant in relation to homosexual relationships but only misguided, indifferent or supportive. Forst also claims that there is a component of acceptance in the concept of tolerance: the belief, value or practice which is being tolerated must not be obviously immoral (p 42). For example, it is not an act of tolerance to remain passive when a gang of criminals robs someone. Finally, it has been noted that there is something paradoxical about tolerance: how can it be morally right to tolerate beliefs, values or practices which one considers morally wrong (p 45-46; Galeotti 2008, p 136)? This paradox is usually dissolved by positing tolerance as a higher order principle which defeats other moral principles in cases of conflict[142]. As this short discussion shows, the concept of tolerance is a rather complex one. I will soon argue that it should be replaced by the notion of respect for the principle of reciprocity, a notion which is less complex, and also more compatible with the fact of reasonable pluralism, and therefore better suited as an ideal for MCE.

One common criticism of the concept of tolerance is that it implies an attitude of superiority: I dislike you and/or what you are doing, but I will tolerate you nevertheless. Instead of "mere" tolerance, the critics ar-

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[141] This is a matter of degree; one can also be vaguely positive etc.

[142] Other possible solutions are to argue that political interference leads to bad consequences, or that it is futile (see for example John Locke's defense of freedom of religion on the grounds that authentic faith cannot be coerced, but must be the product of a voluntary individual decision, in Vernon 2010). The problem with these arguments, however, is that they are unstable and/or based on contingent and controversial assumptions, unlike the principled case for toleration (see section 3.3.).

gue, we should strive for a more positive attitude of recognition – or affirmation – of cultural and religious beliefs and practices (Parekh 2006, Taylor 1994, Tully 1995). According to Charles Taylor (1994), human identities are shaped by intersubjective relations of recognition, i.e. relations in which each person is recognized as being valuable for who they are. When this recognition is denied and people are treated with disrespect, there are serious consequences: "a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves" (p 25). What is needed, therefore, is "a society in which the cultures of all the members are recognized and affirmed by others, both by those who do and those who do not share those cultures" (Tully 1995, p 190). This means that citizens should actively recognize the worth and value of different cultural and religious traditions in their society, and not just tolerate them, in so far as tolerance contains a component of rejection, which risks damaging other people's feelings of self-worth.

It is easy to see what motivates the ideal of recognition. A society where people tolerate but despise each other does not seem very attractive, and may be unable to sustain a democratic form of government if the conflicts between citizens are many and/or deep. Still, there are many reasons to be skeptical of recognition as a feasible alternative, or addition, to tolerance. Firstly, one can question the idea that human identities are as vulnerable as the proponents of recognition assume, and that the basis of these identities are primarily cultural and religious rather than deriving from many different sources, including culture and religion but also class, gender, occupation, hobbies, geographic location, individual traits and so forth (Gutmann 2003, p 36; Festenstein 2005, p 11). Even if some people dislike my, say, Buddhist beliefs, or my Korean heritage, they may still appreciate my athletic skills, and this may be enough for me to feel reasonably good about myself. Secondly, there seems to be an underlying assumption that cultures are fully integrated and unchanging and can be recognized as a whole. But what if cultures are internally contested, fragmented and in constant flux (Benhabib 2002, p 58; Kenny 2004, p 28; Parekh 2006, p 148-149)? If so, there is a risk that recognition undermines the space for disagreements and differences *within* a culture: "any assertion of the significance of a given set of 'differences' may not only obscure possible areas of commonality but may itself paper over divergences of interest and identity, disagreement and dissent" (Festenstein 2005, p 2). Thirdly, recognition is of little value if it is handed out automatically and may even undermine "the very possibility of evaluation itself, be that evaluation positive or neg-

ative" (Reich 2002, p 186)[143]. What is the worth of hearing someone affirm my cultural or religious beliefs if I know that this affirmation is not genuine but simply an automated response? Fourthly, cultural and religious traditions sometimes have mutually incompatible beliefs, which cannot be affirmed at the same time without logical contradictions (if one takes these beliefs seriously): "if Jesus is a prophet of Allah then he cannot also be God incarnate, and any theological sleight of hand that seeks to draw a veil over this fact is deeply disrespectful towards both Islam and Christianity" (Barnes & Wright 2006, p 73; cf. Barry 2001, p 270, 278). In a pluralist society, recognition will have to be limited to highly general features of different cultural and religious traditions, or else violate the rules of logic and/or the beliefs which are being recognized. According to Anna Elisabetta Galeotti (2008, p 141), recognition does not involve affirming the intrinsic value of certain beliefs but rather the value that the belief has for the believer. While such affirmation is preferable to a complete rejection of both the belief and the believer, it seems rather weak and perhaps even patronizing: Why should I care that someone thinks my belief is important to me if he/she also considers it to be misguided from his/her own point of view? Galeotti goes further and links the ideal of recognition to inclusion: "This more modest notion [of recognition] means the acceptance, and hence the inclusion, of a different trait, practice or identity in the range of the legitimate, viable, 'normal' options of an open society" (p 141). Hence, a practice should not just be made legal but also be recognized as a normal and morally legitimate option among others. Unfortunately, this takes us back to where we began: one cannot recognize, for example, homosexuality as a normal and morally legitimate identity or practice without also denying, for example, the moral position of the Catholic Church, and one cannot deny this position without taking a stand on its intrinsic value (its truth or reasonableness). The proponents of recognition are right, I think, in arguing for inclusion beyond toleration, but are wrong in linking inclusion to recognition or affirmation of different beliefs, values and practices.

As an alternative to tolerance and recognition, understood in the ways outlined above[144], I suggest that citizens should respect the principle of reciprocity, i.e. the rights of other citizens to a non-trivial involvement in

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[143] Cf. Brian Barry (2001, p 270): "unless discriminations are made, ascribing value to something ceases to have any point".

[144] Since these concepts are complex and contested, there may be versions of them which are not undermined by my critique, and/or which are similar to what is meant by respecting the principle of reciprocity. Still, I think I have captured two broad and influential versions of tolerance and recognition in this section.

the democratic process. Tolerance, or recognition, of different beliefs, values and practices may be a personal virtue, but reasonable persons can and do disagree about what beliefs, values and practices are moral and immoral, or valuable and worthless, and MCE should not take a stand on this issue. Instead, children should be allowed to come to different conclusions about the morality and value of homosexual relationships, for example, as long as they respect the primary rights of homosexual persons[145]. They may well be "intolerant" in the sense that they actively oppose beliefs, values and practices which they (rightly or wrongly) find immoral – through debates, protests and boycotts – but they must not simply force their opinions on other citizens through the use of political coercion (Galston 2005, p 4). It is important to note, however, that respect for the principle of reciprocity goes beyond passive non-interference; it demands *active* inclusion of other citizens, where one listens carefully to them, articulating reasons which one sincerely thinks can be understood and accepted by them and trying to find common ground. Thus, I agree with the proponents of recognition that tolerance demands too little from democratic citizens[146]. I disagree, however, with the notion of recognition as a replacement for toleration, mainly because it is incompatible with pluralism, as shown above. Children should be encouraged to approach other cultural and religious traditions with an open mind and to learn from them, rather than to draw any immediate conclusions – positive or negative – about their worth/value. This disposition is supported by Taylor (1994, p 66): "There is no reason to believe that, for instance, the different art forms of a given culture should all be equal, or even of considerable value; and every culture can go through phases of decadence". Instead, he claims, cultures should be approached with the presumption that they have something of worth: "[cultures] are almost certain to have something that deserves our admiration and respect, even if it is accompanied by much that we have to abhor and reject (…) it would take a supreme arrogance to discount this possibility *a priori*" (p 72-73). It would also be incompatible with dispositions such as open-mindedness and empathy. But there can be no demand

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[145] Thus, the implementation of a "gay-friendly" (if supportive of homosexuality in a wider sense) curriculum goes beyond what is needed in MCE and must be open to critical dissent.

[146] Cf. Robert McKim (1997, p 267): "If you are merely tolerating others, this is likely to become clear: a comment here, a raised eyebrow there, a rerouted march yonder will give the game away about what you really think of the other group. And, at least in modern democratic states, that may have destabilizing consequences".

that children end up appreciating every cultural and religious tradition that they come across in their studies[147].

Before proceeding to the next section there are three points I would like to mention. Firstly, note that the so-called paradox of tolerance is dissolved in my account, in so far as reasonable persons support a higher order principle (the principle of reciprocity) for whatever moral reasons they themselves prefer, which is overriding in relation to other principles and values they also believe in (for example the immorality of homosexuality) (see sections 3.2. and 3.3.). Thus, they have a moral reason, as seen from within their own perspective, to use persuasion and argumentation rather than political coercion to further their moral and/or political agenda. Secondly, teachers must be careful not to teach moral relativism when encouraging children to respect other persons' primary rights. As Harry Brighouse (2000, p 96) points out:

> Those in whom civic tolerance is inculcated, but who are not led to reflect critically about tolerance, are often deeply confused about why they should be tolerant, inferring that it has to do with the equal status of the beliefs of those whom they tolerate, rather than the equal status of the persons whose beliefs they are expected to tolerate.

Respecting other persons does not mean accepting their beliefs or values as true, or reasonable (in an epistemic sense), but respecting their right to a meaningful involvement in the democratic process. At the same time, however, children should learn the disposition of non-dogmatism and recognize that persons can be reasonable and yet come to different conclusions in moral and political matters (see section 3.5.). This means that teachers must perform a quite delicate balancing act in promoting non-dogmatism while avoiding relativism. Thirdly, respecting other persons also means respecting their secondary rights (and the law in general). If a democratic majority decides to implement extensive property rights, or parental rights in education, this decision has to be respected, providing that it is the outcome of a proper democratic process. One can argue against the decision,

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[147] It is, needless to say, also important that the curriculum, textbooks, and lessons are fair, and not biased or prejudiced, in relation to different cultures and religions. Schools may legitimately focus on the history and culture(s) of the society which they are a part of (see section 4.3.), but they must also devote a considerable amount of time to the study of other cultures and societies. In a pluralist society where people differ in their cultural and religious backgrounds and beliefs, MCE is necessarily multicultural, in the sense of being open to a wide variety of cultural and religious traditions.

and organize to overturn it by using democratic means, but one cannot simply ignore it or violate it without showing disrespect for the democratic process and other persons primary rights.

4.3.2. Nationalism or cosmopolitanism?

In this section I will discuss whether MCE should strive to create good patriots, good cosmopolitans, or something else. I will start by defining certain central terms in the debate before turning to a discussion of nationalism, in various versions, and then cosmopolitanism. I will take for granted a world of autonomous (but interconnected) nation states, with their own welfare systems and school systems, and will not discuss questions of global distribution of resources and the possibility and/or desirability of a world government.

In the sociological and historical literature on nationalism, a nation is usually defined as "a community of people with an aspiration to be politically self-determining" (Miller 1995, p 19). Often, but not always, the people in this community share a language, certain social norms, myths and symbols, a common history and a particular geographical location (Calhoun 1997, p 29-33; Miller 1995, p 20). Nations can be described as "imagined communities" (Anderson 1983), in that they are dependent on the imagination of people and exist only so long as people believe that they have a special relationship to each other, even when they have never met in person. One controversial issue is whether nations should be seen primarily as a continuation of earlier ethnic communities or as a modern invention designed for various political, social and economic purposes. According to those who believe in the importance of ethnicity, nations are built on earlier ethnic communities where members are united by feelings of kinship, and depend on a sense of continuity with the past, including shared ancestry myths (Smith 1986). This is denied by those who claim that nations are the product of modernization and industrialization – in particular processes of centralization and standardization in politics, law, administration, defense, infrastructure, language and education – as well as of technological inventions making possible the wide circulation of print material (Anderson 1983, Gellner 1983). Some writers argue for a combination of these positions, whereby nations are seen as the result of creative modernist use of raw material from the past, including ethnic identities (Calhoun 1997, p 29).

It is important to distinguish nations from states. States can, following Max Weber (1918/1994), be defined as entities which successfully claim a monopoly on the legitimate use of physical force within a certain territory. Nations often strive after forming a state of their own, and thus

to become a nation state. Still, there are many nations, it could be argued, which have no state today: the Kurds, for example, or the Basques. Conversely, there are many states which contain more than one nation: Canada, for example, or Spain. This distinction between nation and state is important for the discussion of nationalism, as we shall see.

One leading cause behind the rise of nations is nationalism itself (Calhoun 1997, p 23). Nationalism can be defined as "the making of combined claims, on behalf of a population, to identity, to jurisdiction, and to territory" (Hearn 2006, p 11). The basic idea behind nationalism is that the world is made up of different nations, and that each nation has a natural right to self-determination (p 6). According to Craig Calhoun (1995, p 9), there is no scholarly agreement on when this idea first took shape, but it is generally acknowledged to be an important factor in the early modern period, culminating in the French revolution. In this revolution, resistance against the old regime was justified on the basis of popular sovereignty, i.e. the right of "the People" to rule over itself (p 69)[148].

The nationalism of the French revolution is sometimes declared to be of a civic rather than an ethnic kind, in so far as it is based on political principles rather than on ethnic descent. This distinction – between ethnic and civic nationalism – is often invoked by those who are supportive of nationalism in order to show that not all versions of nationalism leads to violence, exclusion of foreigners and denial of cultural differences (Calhoun 2007, p 41; Ignatieff 1995). The typical example of a civic nationalism is American nationalism, which allows for many different ethnic, cultural and religious groups sharing the same state, as long as they support the constitution and follow the laws. But as critics of the distinction between ethnic and civic nationalism point out, it seems that contemporary American nationalism includes both ideas of ethnicity (Mexicans are not considered to be "real Americans"), a common religion (Christianity) and a common culture (individualism) (Calhoun 2007, p 42). According to Kymlicka (1995, p 114-115), no nationalism can be purely civic, since there will always be cultural components such as a public language, public holidays, flags and national symbols which go beyond abstract political principles. This is also true for the educational system: "Education cannot take place in a vacuum. It is necessarily conducted in particular social, political and cultural contexts" (McLaughlin 2008, p 84). Furthermore, citizenship is usually acquired at birth and one does not lose it even if one

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[148] In practice, however, "the People" often turned out to be exclusively male property-owners (Calhoun 1997, p 71).

disagrees with the political principles in the constitution – a fact that goes against the claims of civic nationalism (Kymlicka 2001, p 244).

As an alternative to civic (and ethnic) nationalism, Kymlicka (2001, p 39-41, 219-230) suggests that democratic societies should be based on a liberal nationalism. This version of nationalism is much "thinner" than ethnic nationalism and does not presuppose a common ethnicity, a common culture and/or a common religion among its members. Rather, it is open to anyone who wants to join, as long as they are willing to learn the dominant language(s), to participate in common public institutions and to commit themselves to the long-term survival of the nation. The public institutions of democratic societies will reflect the dominant culture(s) of the people but should make ample room for people of minority cultures to celebrate their own holidays and speak their own language and so forth. Liberal nationalism is also non-aggressive and does not seek to dismantle the self-governing institutions of other states.

Assuming that liberal nationalism is the most defensible version of nationalism, why is it valuable or necessary? Some writers emphasize the importance of a stable national identity for the individual: "People value the rich cultural inheritance that membership of a nation can bring them; and they want to see continuity between their own lives and the lives of their ancestors" (Miller 1995, p 184). According to this view, national identities give individuals a sense of meaning, identity and rootedness. Another line of argumentation connects nationalism with social utility: only a shared national identity can provide citizens of a democratic and egalitarian society with the trust and solidarity they need in order to respect each other's rights and support a general welfare system. Kymlicka (2001, p 225) argues that "no other social identity in the modern world has been able to motivate ongoing sacrifices (as opposed to episodic humanitarian assistance in times of emergency) beyond the level of kin groups and confessional groups"[149]. Calhoun (2007, p 148) claims that national identities are "basic to many efforts at economic development and to contesting the imposition of a neoliberal model of global economic growth that ignores or undermines local quality of life and inhibits projects of self-government" David Miller (1995, p 96) specifically mentions the importance of national identities for a deliberative model of democracy, where

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[149] Cf. Yael Tamir (1993, p 121): "Communal solidarity creates a feeling, or an illusion, of closeness and shared fate, which is a precondition of distributive justice".

citizens are expected to seek common solutions and to show respect towards each other even when they are in strong disagreement.

Still, there are critics of liberal nationalism who argue that it creates more problems than it solves. According to Bhikhu Parekh (1999, p 308), national identities are too shallow to help individuals deal with "the inescapable contingencies, tragedies, and frustrations of life"; only religion and/or philosophy can serve this purpose. Similarly, people's social needs are not fulfilled by nations but by more local communities, including family and friends (p 311). In modern pluralist societies, co-nationals often have very little in common, and other parts of the country can seem as alien as a foreign country. As for the argument that national identities underpin democracy and the welfare state, empirical evidence suggests otherwise: "Americans take enormous pride in their country and display considerable patriotism. However, it is striking that neither the American government nor its privileged citizens are much troubled by the poverty and wretchedness of millions of their fellow countrymen" (Parekh 1999, p 314). One could add that nationalist movements have often opposed movements for social justice and enhanced inclusion of women and cultural minorities. Moreover, the focus on national identity as a precondition for solidarity risks leading to a neglect of global injustices: "If people are constantly told that they should care for each other because they belong together, and if their educational, cultural, and other institutions are designed, as they must be, to reinforce this message, their moral imagination gets so emasculated and moral resources so depleted that outsiders will come to mean little to them" (316-7). Regarding political participation, there is again little empirical evidence to support the liberal nationalist argument; in the United States the rate of political participation is low, much lower than in Canada (and in Sweden) where nationalist sentiments are weaker (318). Thus, it seems that the positive case for a liberal nationalism is incompatible with empirical observations. It also relies on what Harry Brighouse (2006, p 162) calls "an extremely benign version" of nationalism, with little resemblance to actually existing versions. Historically, nationalism has been connected with wars, crimes against humanity, social injustice, sexism and racism, among other things. Not even civic (or liberal) versions of nationalism are immune to this threat: "American citizens have been denounced and persecuted for clinging to un-American political principles as well as for their foreign backgrounds" (Yack 1999, p 115). It seems, then, that liberal nationalism – like other nationalisms – is problematic, but what is the alternative?

The most prominent alternative to nationalism is cosmopolitanism. The concept of cosmopolitanism can refer to many different things, includ-

ing: 1. a socio-cultural condition, 2. a philosophy or world-view, 3. a political project of building transnational institutions, 4. a political project of recognizing multiple identities, 5. an attitudinal or dispositional orientation, and 6. a mode or practice or competence (Vertovec & Cohen 2002, p 9). The socio-cultural condition has to do with societal changes such as mass tourism, large-scale migration, increasing cultural pluralism, increasing flow of commodities and services, improved communication technologies and so forth, which together create an increasingly interconnected world. Philosophical theories with a cosmopolitan bent can take many forms, for example Marxist or liberal, but are usually concerned with the possibility of creating a more universal community of human beings united around common values and/or principles. I will not discuss the other uses, since they either fall outside of my interest (3), belong to other sections (4) or can be treated together with the philosophical theories (5 and 6).

Among the earliest recorded advocates of cosmopolitanism are ancient Greek philosophers, often known as Stoics (Vertovec & Cohen 2002, p 5; Nussbaum 1996, p 9)[150]. These philosophers considered themselves to be "citizens of the world" and argued for the necessity of a more universal benevolence towards mankind as a whole, rather than towards particular ethnic groups and/or political communities. Today, Martha Nussbaum (1996) and others have taken up their cause and suggested that cosmopolitanism is a superior alternative to various forms of nationalisms. The core argument for cosmopolitanism is that human beings are morally required to care for all human beings equally, or almost equally[151], and should not privilege those whom they are closely related to in some way or another. The ideal citizen, then, does not ask himself/herself what he/she can do for his/her country, as John F. Kennedy suggested, but rather what he/she can do for the world. He/she is also generally curious about, and open-minded towards, beliefs, values and practices from all over the world.

Cosmopolitanism has throughout history been accused of being an elitist philosophy. From the political right, the critique has been that cosmopolitans are rootless and superficial individualists who look down on ordinary people and their homeland, and from the left it has been that cosmopolitans are part of a global elite of wealthy businessmen and tax dodgers who travel around the world in search of people to exploit and cultural experiences to consume (Vertovec & Cohen 2002, p 7). Another

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[150] There are also similar views to be found in other parts of the world, for example in the Upanishads and in Confucius's "analects" (Hansen 2009).

[151] Some cosmopolitans allow for exceptions to this rule, for example regarding family members and/or relatives and friends.

common critique of cosmopolitanism is that it presupposes a faulty human psychology: "Like such kindred ideas as legal personhood, contract society, and the economic market, the idea of cosmopolitanism offers little or nothing for the human psyche to fasten on" (Barber 1996, p 35). The alternative to patriotism, these critics argue, is not universal benevolence, but nihilism or egoism: "[C]hildren deprived of a culturally rooted education too often find it difficult to experience any allegiance whatsoever, whether to the world or their community or family. Instead, they risk developing a debilitating sense of being exiled everywhere with responsibilities to none save themselves" (Bok 1996, p 43).

Before discussing these different ideas in relation to MCE, I shall briefly mention the idea of a "constitutional patriotism". This idea – associated primarily with Jürgen Habermas[152] – is often seen as an alternative to nationalism and cosmopolitanism, but it should rather be considered, I think, as a close relative to civic and liberal nationalism (Beiner 1999, p 8). According to Habermas (2000, Chapters 4 and 5; 2001), there is a need for a new form of political community which is capable of acting beyond the horizon of the nation state – in order to address global problems – and which is inclusive in relation to immigrants and different cultures residing within its borders. This new community must be post-national and organized around a set of universal democratic principles (or a "political culture") rather than a particular ethnicity or shared culture, so that it can be more open towards multi-level governance and also more tolerant in relation to different ethnic groups and cultures at home:

> The majority culture, supposing itself to be identical with the national culture as such, has to free itself from its historical identification with a *general* political culture. To the degree that this decoupling of political culture from majority culture succeeds, the solidarity of citizens is shifted onto the more abstract foundation of a 'constitutional patriotism' (2001, p 74).

Thus, "the democratic process can itself provide the necessary guarantees for the social integration of an increasingly differentiated society" (2000, p 133) and no pre-political culture or common ethnic descent is needed for this task. Habermas has met with the same criticism as those who favor a civic nationalism, i.e. that all nations, no matter how civic they may seem, involve cultural elements beyond purely political ones, and that a civic or political culture is too thin to win the hearts and minds of democratic citi-

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[152] Although it was first suggested by Dolf Sternberger (for a historical discussion of constitutional patriotism, see Müller 2007, p 20-28).

zens (see Cronin 2003). In response, Habermas (1998, p 499) has made clear that constitutional principles should be "situated in the historical context of a nation of citizens in such a way that they link up with those citizens' motives and attitudes"[153]. In the end, then, Habermas's constitutional patriotism turns out to be highly similar to Kymlicka's liberal nationalism, only with somewhat less room for the promotion of a pre-political national culture.

I have argued that MCE is a process whereby children are given the opportunity to learn the knowledge, skills and dispositions they need in order to participate meaningfully and responsibly in the democratic process. Clearly, children need to learn about the history of the society in which they are citizens, as well as the dominant language(s) being used in this society (Gutmann 1999, p 315-316; Fullinwider 1996, p 173). In this respect, I agree with the liberal nationalist position. On the other hand, it needs to be stressed just how far removed such a thin national identity is from common views of what it means to teach patriotism[154]. Children should not learn to take special pride in their national culture (but should not be stopped from doing so either), and should not be taught that they have a special relationship to those who share their ethnic background or culture, which goes beyond their duties to human beings in general[155]. Rather, they should be encouraged to respect the principle of reciprocity for whatever moral reasons they themselves prefer. Such an approach not only avoids the risks associated with nationalism but is also more compatible with pluralism. Nationalism is a controversial doctrine, which stands in tension to universalistic religious traditions and moral views; in the United States, for example, some Christian believers consider it to be an act of apostasy to sing the national anthem (Long & Sadd 2007, p 28). Linking MCE to any substantial version of nationalism is therefore bound to violate the beliefs of some citizens, and without good reasons.

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[153] He also argues that post-national, multicultural societies can be held together only if they provide all citizens with certain social and cultural rights, including welfare provisions (2000, p 118).

[154] I am using the concepts of nationalism and patriotism as synonyms. Sometimes "patriotism" is being used to denote a more benign and less aggressive version of pride in, or love for, one's country, but since I am using the concept of nationalism in a wide sense here, covering both benign (liberal) and aggressive (illiberal) versions, I have no use for the concept of patriotism. Indeed, one of my points is that there is no unproblematic, reliably benign nationalism/patriotism.

[155] Of course, in practice they can only show respect for the principle of reciprocity of those who are part of the same legal and political community, but increasingly this community is being stretched beyond the nation state.

To be sure, the school in most nation states is still embedded in a nationalist framework, as Terence McLaughlin (in Carr, Halstead & Pring 2008, p 84) notes. But this is a contingent fact rather than a necessary one, similar to the fact that most nations were historically created with reference to a shared ethnic descent or a common culture. Today, the situation is different, and pluralism and globalization both push societies in the direction of an overlapping consensus on basic democratic principles and values, away from notions of shared ethnicity and/or culture. This does not yet mean that there is, or ever will be, a cosmopolitan world society in which people can be citizens. Children will for the foreseeable future continue to be citizens of particular legal and political communities, not of the world, and MCE may legitimately focus on the history and dominant language(s) of these communities but should not go further and teach any substantial version of nationalism. As we have seen, the empirical evidence suggests that political participation and public support for the welfare state are independent of a strong national identity; more likely, political participation is related to citizens' political knowledge, and the political culture in general, and public support for the welfare state depends on the political mobilization of working-class voters (Parekh 1999, p 315)[156]. Yet the question remains: is it realistic to assume that most persons can base their loyalties on abstract principles rather than on concrete, interpersonal relations? I think it is, although it presupposes schools where MCE is a central concern and not a peripheral one, which is so often the case today. Furthermore, it is difficult to see any alternative, assuming that modern democratic societies consist of persons with different beliefs, values and backgrounds: "The unity of the state cannot be grounded in the unity of the nation as the nationalists maintain, for the simple reason that the 'nation' today is too fragmented, plural, and fiercely contested to possess the kind and degree of unity necessary to sustain the state" (Parekh 1999, p 319). It should also be noted that abstract principles have a practical side in so far as they are related to concrete practices of democratic deliberation in the classroom and the wider society. One does not respect the principle of reciprocity simply by holding it to be true, or reasonable, on a theoretical level, but by acting in conformance with it in one's daily life.

4.3.3. Rationalism or sentimentalism?
I have argued that children should learn about the history of the society in which they are citizens. The reason for this is primarily instrumental; in

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[156] This is not to deny that the welfare state may be undermined by a lack of successful integration, with segregation and ethnic conflicts.

order to participate meaningfully and responsibly in their society, citizens need to know about the past of this society, especially when it comes to political issues, since the present is heavily dependent on the past, and since the past is often used to support or criticize various political ideas and proposals in the present[157]. Again, I would like to point out that learning cannot be reduced to the memorization of isolated facts (see section 4.3.) but should promote a deeper understanding of historical events and encourage critical reflection on different interpretations of these events, as well as on the very possibility of historical knowledge. In this section I will investigate the idea that historical education, as part of MCE, should aim for a sentimental, rather than a rational or critical, understanding of history on behalf of children, so that they will come to identify with democratic values and virtues on an emotional level. The word "sentimental" is used by Eamonn Callan (2004, p 103) to describe William Galston's view of political education. According to Galston (1991, p 244), "very few individuals will come to embrace the core commitments of liberal society through a process of rational inquiry" and political education should therefore be "far more rhetorical than rational". Instead of teaching children about the complex and sometimes depressing reality, schools should focus on "a more noble, moralizing history: a pantheon of heroes who confer legitimacy on central institutions and constitute worthy objects of emulation" (p 244).

Ajume Wingo (2003, p 5) has developed this idea further and argues that there is a need for "veil politics" in liberal democracies, i.e. "a style of political practice that recognizes the force of veils and intentionally uses them for political purposes". The concept of a veil includes political symbols, rituals and mythologies, all of which "gloss over historical details or aspects of the political apparatus, offering instead an idealized image of the system or a stylized representation of a civic virtue" (p 4). Wingo acknowledges that veils have been used by totalitarian regimes to mislead people but claims that there is no necessary connection between veil politics and totalitarianism. As long as the veils promote liberal democratic values and are translucent and acceptable to certain interested observers, they are unproblematic from a democratic point of view (p 62). Thus, the veils must not be "opaque" – if an observer is dedicated to finding out about the

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[157] For example, in Sweden today both the centre right Moderate Party and the xenophobic Sweden Democrats portray themselves as a continuation of the old Social Democratic Party and its ideals, using words and images from the mid-20th century.

truth, the veils should permit this, but they may still legitimately hinder casual observers from seeing through them. They should also be acceptable to these interested observers, a demand which can be expressed in terms of a hypothetical consent: "we can take the reactions of those who 'see through' veils to the real nature of a political institution or set of values as representative of what others *would* say if they were to do the same" (p 68). Wingo contrasts the idea of veils with what he sees as a mistaken faith in human rationality: "we should never have expected reason to carry the load of motivating persons" (p 23). For example, we cannot answer the question "Why be rational?" by using our rationality, but the disposition to be rational is the result of an education which largely relies on emotional and/or rhetorical means (p 118). As Wingo puts it, citizenship education must involve "demonstration" and not only rational "deliberation".

As I see it, Wingo's (and Galston's) account depends on an elitist view of "ordinary people" which borders on the cynical. One gets the impression of a political community where some citizens – "competent individuals" (Wingo 2003, p 64), or those "who are engaged in a theoretical life" (p 11) – see through the official myths and yet approve of them as suitable for ensuring the support of the non-competent masses. Such cynicism would perhaps be justified if the low level of political knowledge found among democratic citizens reflected an innate incapacity for reason and knowledge in these citizens, but it seems that this is not the case, and that the proper response to political ignorance is more and better (critical/rational) education rather than myth-making. To be sure, education cannot and should not be restricted to rational deliberation (see section 4.3.), but there is still a long way to go before ending up with Wingo's and Galston's sentimental history of noble men and their actions. Wingo and Galston are both writing from an American context, and it is interesting to note that American politics is heavily infused with the kind of sentimentalist rhetoric they admire ("a city upon a hill", "the promised land", "the melting pot", "the Founding Fathers" etc.), yet also strikingly superficial and uncritical on domestic issues and often imperialistic in foreign policy. Furthermore, it seems that a sentimental citizenship education violates the principle of reciprocity. Can one say that every citizen has the right to a meaningful involvement in the democratic process if some citizens are purposely kept ignorant about various historical facts and events? It would also undermine certain key capacities/dispositions for citizenship education, such as critical thinking and respect for rational arguments and evidence. If children grow up to realize that their teachers lied to them about the past, or at least presented a highly romanticized picture of it, they may lose faith in whatever else they learnt in citizenship education, including

respect for basic democratic principles (Ben-Porath 2006, p 52)[158]. In addition, there is a risk that valuable lessons from the past are ignored – "the proper development of civic virtue may require an honest appreciation of how those virtues were lacking in our history" (Kymlicka 2001, p 315) – and that the present is rendered incomprehensible: "To omit that which we find unflattering or distasteful from our history is not only to distort the past, but also to help blind us to the present" (Goodlad, Mantle-Bromley & Goodlad 2004, p 94).

From a pluralist perspective, it can be argued that sentimentalism leads to more conflicts rather than less, if it means downplaying or ignoring historical injustices committed against various minority groups (Kymlicka 2001, p 315). These may rightly complain if their struggles and suffering are rendered invisible in textbooks and classroom teaching. There is also a general problem with "politicizing" history, as Brian Barry (2001, p 232) suggests: "If it is once accepted that the teaching of history can be manipulated for ulterior political ends, what has been created is in fact a zero-sum game that any number can play". To be sure, historical knowledge is unavoidably bound up with different interpretations and thus always "political" in a sense, but nevertheless I agree with Barry that the ambition must be to find more reasonable, or better justified, interpretations of historical events, rather than to distort the empirical evidence in pursuit of a political agenda. Instead of being told what version of history to believe in, children should be allowed to critically reflect on different interpretations of historical events and the empirical evidence behind these interpretations. Such critical reflection contains both rational and emotional elements – indeed these elements may not be easy to separate from each other (see section 4.3.) – but it is not manipulative and does not distort history in the name of social harmony.

4.3.4. Religious Education

The relation between Religious Education (RE) and MCE is rather complex. On the one hand, it seems that democratic citizens need to learn about different religious traditions – their doctrines, history and rituals – for various reasons. Firstly, it is important that children who are religious investigate how their beliefs relate to the principle of reciprocity, while those who are not religious, or are uncommitted, learn about the relation between democ-

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[158] In fairness, it should be noted that Wingo (2003, p 121) acknowledges this risk: "Is learning the truth disillusioning? If so, we have reason to think that the veil violates the consent requirement".

racy and different religious traditions in general. Secondly, religious and non-religious children should learn to see their disagreements as potentially reasonable, i.e. to acknowledge that people can be religious, or non-religious, without necessarily being ignorant, immoral or wicked (see section 3.5.). This acknowledgment goes both ways: "religious people are not the only ones who may need a lesson in tolerance. The children of evangelical atheists and of those who espouse totalistic versions of liberalism may also need to learn political respect for their fellow citizens who hold other reasonable views" (Macedo 2000, p 204). Similarly, Habermas (2008, p 138) speaks of the need for "a self-reflexive overcoming of a rigid and exclusive secularist self-understanding of modernity". In short, children should be taught the disposition of non-dogmatism and learn to see how reasonable persons can disagree on questions of religious truth. Thirdly, religious reasons will sometimes be a part of political deliberations and citizens must know something about the various religious traditions in order to practice "immanent criticism" and be able to communicate across religious and cultural differences (see section 3.6.). Fourthly, most democratic societies are still under the influence of religious traditions and can be understood only if one knows something about these traditions: "A society's major religions also generally shape its history, social structure, values and ideals, and to remain ignorant of them is to lack a coherent understanding of the latter" (Parekh 2006, p 331). Finally, it is important that children learn about different religious traditions in an increasingly globalized world, where conflicts are often religious in character, or at least portrayed as being so[159].

On the other hand, there are reasons for teaching RE which go beyond the purposes of MCE. For example, RE can be seen as contributing to the *Bildung* of individual children: "There is a strong educational and political case for teaching religion in schools since one of the principal aims of education is to enable pupils to appreciate the great achievements of the human spirit, religion being one of these" (Parekh 2006, p 331). I fail to see the "political case" here. Rather, this argument is similar to the argument for teaching music in schools: there is a lot to be said for it, but it is not necessary for citizenship education (since appreciation for "the great achievements of the human spirit", much like the ability to play a musical instrument, is not needed for persons in order to participate meaningfully and responsibly

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[159] Nothing said so far should be interpreted as a denial of the importance of economic/material factors in social life; I do not subscribe to the idealist notion of ideas and beliefs as the driving forces in human history. My claim is rather that both material and "non-material" factors are important – and interdependent – and that children should learn about both when studying history and politics.

in the democratic process) and it therefore falls outside of MCE. Instead, it should be left to a democratic majority – or perhaps to individual parents and children[160] – to decide whether or not it should be taught in schools. This is also true for the argument that RE is needed to help children decide what religious tradition, if any, they shall belong to, i.e. to promote their personal autonomy so that they do not unthinkingly follow in the footsteps of their parents. In Chapter 5, I will argue that children should have a secondary right to develop personal autonomy, but this issue is not directly related to citizenship education (although there are connections as we shall see) and cannot be defended as part of MCE. Finally, it is often said that RE should contribute to the moral and spiritual development of pupils (Miller 2000). Again, these may be valuable goals, but they are not obviously related to citizenship education – if "moral development" signifies something more ambitious and controversial than "political" education for democratic citizenship, as it must do if there is to be any meaningful difference – and should therefore be left outside of MCE.

The consequence of all this is that RE cannot be defended as a separate subject on the basis of its contributions to MCE. On the contrary, it can be argued that RE should be split into two parts, and that one part should be transferred to a specific subject called citizenship education (or to social studies), and that the other part (containing elements of moral and spiritual education, *Bildung* etc.) should be transformed into an optional subject which can be taught inside or outside the school building, for example in a Church or some other religious institution (cf. Hargreaves 1994). I will not take a stand on this issue here, but as will be clear from the discussion below, there are real problems connected with having RE as a separate subject integrating both of the two parts mentioned above, if it is to be mandatory and be a part of citizenship education in a pluralist society.

In recent years, the dominant, modern approach to RE has been criticized for promoting a secularist understanding of religion. Andrew Wright (2004, p 181-192) argues that this approach is preoccupied with three questions: 1. How can RE deserve a place in schools if religious knowledge is reducible to mere subjective opinion?, 2. How can RE be taught without indoctrinating students into religious beliefs?, and 3. How can RE lend support to basic liberal values such as tolerance and freedom of religion?[161]. The strategy favored by most modern educators is to employ a

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[160] See Chapter 6 on school choice.

[161] Wright refers to the development of RE in the United Kingdom, and there are striking similarities to the development of RE in Sweden (for an overview, see Larsson 2006).

distinction between "learning about" and "learning from" religion, which makes it possible to separate objective facts about religious traditions from subjective religious belief. Thus, it seems that RE could be neutral in relation to different world views by presenting the different religious traditions – their doctrines, rituals, clothing styles and holy places – side by side, without taking a stand on their truth claims. It could also become relevant to children's personal lives, without threatening their personal autonomy or abandoning neutrality, by interpreting religion through a filter of romanticist philosophy, where subjective spiritual experience is seen as more fundamental than religious truth claims[162].

By making a distinction between objective knowledge and subjective experience, however, this modern view of religion is incompatible with the fact of reasonable pluralism. Reasonable persons can and do disagree about whether or not religious propositions have truth value. As Wright (2007, p 96) points out, the privileging of subjective experience "constitutes an implicit confessionalism: in effect, it will induct pupils into a belief system – prevalent in much of our postmodern society – that treats individuals as the ultimate measure of their own realities and hence effectively dislocates the cultivation of truthfulness from the pursuit of truth". Such a view is not only incompatible with a realist understanding of religious language but also with the view that "spiritual life and growth may concern struggles with setback, grief, humiliation, guilt and despair no less (if not more) than the cosy contemplation of sunsets" (Carr 2003). Ironically, this rose-tinted view of spirituality is often promoted as a counterpoint to the crass instrumentalism of modern societies but is itself based on an instrumental view of religion which focuses on the therapeutic benefits of spirituality, rather than on its intrinsic value (Carr 2003). The voluntarist and instrumentalist view of religion and spirituality is further reinforced by the "objective" presentation of religious traditions side by side: "This 'pick 'n' mix' approach to religion again prioritizes the self as the determiner of meaning and downplays the notion that a religion may be a revelation by

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[162] Let me provide an example of this approach: "We know today what God, presumably, has always known about us: that our religious history as a species is ultimately one and indivisible. There is a world-wide history of religious consciousness (…) What matters in religious education today is not only what happened in the formation of the religious experience of humanity, that is, the religious past, but what is happening today to the descendants of the men and women who made those traditions: that is, all of us. How are all human beings today to respond to that to which the spirituality of all religions bears witness?" (Wing Han Lamb 2000, p 83).

encouraging religious belief to be seen as a human construction" (Halstead & Pike 2006, p 110). Finally, the fact that different religious traditions make incompatible truth claims is either denied or ignored – whether for linguistic reasons (religious propositions are seen as lacking truth value), ontological reasons (religious traditions are seen as united at the fundamental level of subjective spiritual experience[163]) or political reasons – something which goes against the beliefs of most religious persons: "To inculcate in pupils the idea that the religions are complementary and not in competition with each other, clearly contradicts both the contemporary self-understanding of most religious adherents and the doctrinal logic of different religions" (Barnes 2007, p 80; cf. Barnes and Wright 2006, p 72).

What unites these different points of criticism is the notion that the truth claims of religious traditions are not taken seriously by modern RE, because of its preoccupation with promoting the goals of personal autonomy, happiness and social harmony. Clearly, such an approach is not suitable for MCE in a pluralist society, since it relies on a secularist understanding of religion which cannot be accepted by all reasonable persons (secular or not). What, then, is the alternative? To begin with, it should be acknowledged that "objective" information about different religious traditions is a necessary part of MCE, for reasons stated above. It is important, however, to avoid giving children the impressions that all religious traditions are the same – equally true or equally false – even while they are presented side by side (or thematically). Furthermore, MCE should not portray religious traditions as objects of choice according to personal taste, or as relics from the past without continuing relevance[164]. Of course, children may come to the conclusion that the different religious traditions are equally true or false, that they are objects of choice according to taste and/or that they are of no relevance for contemporary persons, as long as they acknowledge that reasonable persons can disagree about this. What matters is that MCE avoids taking a stand on these issues. It is not enough that the teacher restricts himself/herself to simply teaching "the facts", since every presentation of religious traditions is potentially problematic, as we

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[163] This view has been criticized by Michael Hand (2008, p 74): "it is difficult to see what evidence, theological or otherwise, could be adduced in support of this thesis [about the essential unity of all religious traditions, JR]. Is it supposed to be a revealed truth that all religions are salvific? If so, to whom was this revelation made, in which text is it recorded, and why is this putative record of divine revelation more authoritative than the sacred texts of the religions themselves (…)".

[164] I am here taking for granted that religious traditions are portrayed in an accurate and balanced way (also including the pluralism within different religious traditions).

have seen. A better approach would be to encourage children to critically reflect on the very possibility of teaching RE objectively.

The question of spirituality – or "learning from" religion – has no direct connection to MCE, and it is difficult to see how it could become part of a mandatory curriculum in a pluralist society. It does not help that the notion of spirituality is so difficult to pin down (Carr 2003, p 216). Some people see it as having to do with the relation between human beings and a metaphysical reality, some see it as a powerful aesthetic experience of nature, some see it as part of an inner exploration and some see it as obscure mumbo-jumbo. I have already suggested that spiritual education should be transferred, together with other parts of RE which are not related to MCE, to another optional subject. Alternatively, RE as a whole could be turned into an optional subject, while the parts of RE which are connected to MCE are taught as part of social science or a specific subject called citizenship education[165].

In any case, MCE must not limit itself to a presentation of different religious traditions but should help children see that reasonable persons can and do disagree about what is true in the domain of religion (and metaphysics generally), as long as they respect the principle of reciprocity as fundamental and overriding[166]. Again, this disposition of non-dogmatism must be separated from skepticism or relativism. Trevor Cooling's (2002, p 52) story from a conference with researchers in RE illustrates the point nicely:

> In a meeting an RE teacher stood up and said "I always tell my pupils that there are no right or wrong answers in RE". This sounds very tolerant, but is, in fact, indoctrination into a relativistic and anti-realist approach to religion. This teacher was not creating a level playing field. If he had revised his statement to "I always tell my students that, in RE, there is no final agreement on what the right or wrong answers are", the effect is totally different. This leaves open the debates about realism and non-realism and recognizes the importance of students making their own judgements[167].

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[165] This solution is superior, I think, to either letting children opt out of RE as a whole (as was possible in Sweden until 1996, see Borevi 1997, p 52) or forcing them to attend a version of RE which goes beyond what is needed for MCE (as is the situation in Sweden today).

[166] Thus, the school can and should take a stand against theocratic ideas and practices, just as it takes a stand against totalitarian secular ideologies (Macedo 2000, p 176). Of course, children espousing such views should still be treated with respect (see section 4.3.).

[167] It would have been even better, I think, if the teacher had said that "there is no *present* agreement on what the right or wrong answers are" (see footnote 68)

The important thing is that children acknowledge that it is rationally and morally possible for other persons to believe differently than they do, even if they are convinced that their own beliefs are the most reasonable ones – but they do not have to become agnostics to be good democrats. As Philip Barnes (2009, p 616) points out: "There is no direct connection between belief in the exclusive truth in one's own commitments and intolerance of those who hold contrary commitments". What matters is primarily the content of one's commitments, not how strong or weak these are[168].

Those who criticize modern RE sometimes suggest a different solution for making RE more compatible with pluralism, namely that children should be encouraged to test the various truth claims made by different religious traditions in the classroom. Thus, Wright (2004, p 216) argues that the value of RE lies "in its duty to enable society to learn to ask fundamental questions about the nature of reality in an informed and intelligent manner, and as a result to open out a range of different options for our personal and social being in the world". In my view, the teacher should not stop children from asking such questions, but neither should he/she encourage them to do so, when teaching RE as part of MCE. Generally, there is little need for democratic citizens to engage in discussions about abstract, metaphysical issues in politics (see sections 3.5 and 3.6). Children should learn about the views of different religious traditions and discuss these when they have a direct bearing on political matters, but otherwise I cannot see how "the nature of reality" is a relevant topic for MCE. Furthermore, different religious traditions have different views on what truth is (is the world open to human inquiry or is it an illusion?) and how to find it (is it revealed in scriptures or found through inner contemplation?), and it is therefore difficult to see how the various truth claims of these traditions can be put to some singular, rational test (Rosenblith & Priestman 2004, p 377; see also section 3.5.)[169].

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[168] I am saying "primarily" because I think that the strength of one's commitments properly varies between non-empirical beliefs, where there is ample room for epistemological diversity, and beliefs based on claims about empirical reality, where there is less room for such diversity (see section 3.5.). To be sure, this distinction is of a gradual, and not a categorical, kind.

[169] There are two developments which could change this situation and make the testing of religious truth claims relevant for MCE. The first is if philosophy approaches a consensus on which religious, non-empirical beliefs are reasonable, and/or how to rationally evaluate these beliefs. The second is if non-empirical questions become more important in the general political debate (see footnote 104).

4.4. Summary

In this chapter, I argue for a mandatory citizenship education for all children, which is upheld and protected by the state even against their own will, or the will of their parents, if necessary. The purpose of MCE is to give children the opportunity to learn – in a participatory way – the knowledge, skills and dispositions they need in order to participate meaningfully and responsibly in the democratic process, both as future adults with full participation rights and in the present. In relation to the child, MCE is a primary right following from the principle of reciprocity, since certain knowledge, skills and dispositions are needed for the child to participate meaningfully in the democratic process. It can also be justified with reference to the primary rights of all other citizens (both children and adults), since their involvement in the democratic process will only be meaningful if all (or most) other citizens are able to participate responsibly, having learnt the relevant knowledge, skills and dispositions in school. I argue that these cannot be learned outside of school in any reliable way and that they cannot be replaced by cleverly designed institutional mechanisms ensuring the survival of democracy, regardless of the beliefs and values of its citizens.

I then turn to a discussion of the content of MCE and suggest that children should learn the relevant facts about political institutions and the society in which they live and be encouraged to critically reflect on these facts and discuss them with others in the classroom. They should also learn about, and critically reflect on, different political beliefs and values as well as other kinds of beliefs and values when these have a bearing on political matters. There should be an aim of teaching children to respect the primary rights of others, especially of those who subscribe to beliefs and values different from their own, and of helping them to see why this is important, in part by drawing on their existing beliefs and values. The idea that democracy – and MCE – follows from a principle of reciprocity which is the subject of an overlapping consensus among reasonable persons rules out any model of citizenship education where the values of democracy are taught as being connected to a particular philosophical or religious doctrine or to a comprehensive cultural tradition (in so far as the society in question is characterized by cultural pluralism). In order to avoid indoctrination, children should be free to reject the principle of reciprocity and other parts of MCE, although schools may take a stand against anti-democratic beliefs and values as long as dissenters are treated with respect. Furthermore, I argue that children should be encouraged to critically reflect on society and not simply be taught an uncritical ideal of participation or an ideal of participation which is connected to a particular view of the

good life. The school must be careful, however, not to promote a political agenda (beyond the content of MCE) and should allow children to come to their own conclusions. I argue for the importance of knowing certain basic facts about politics and society if one is to become a critical thinker, but caution against presenting these in a context-less and uncritical way. I also affirm the value of certain intellectual skills and dispositions which have been suggested by proponents of critical thinking, as long as these are taught together with a substantive body of knowledge and are related to a larger societal context. I then discuss the notion of a deliberative pedagogy in which children are given the opportunity to deliberate on various matters with each other in the classroom, under the guidance of the teacher. I affirm the importance of allowing for elements of passion, spontaneity and irony, and for the opportunity of sharing one's story in a respectful environment. Furthermore, I suggest that there should be an orientation towards the possibility of agreement of some kind, even if it cannot be expected that children should reach a consensus on most issues. Finally, I argue for the importance of a democratic and respectful environment in the school, including school democracy as long as the decisions on the parliamentary level are respected (regarding the content of MCE).

The rest of the chapter provides a more detailed discussion of MCE in relation to four issues which centrally involve questions of pluralism in education. I begin by discussing whether schools should teach children to be tolerant towards those who subscribe to beliefs and values different from their own, or be more ambitious and teach them to recognize (or affirm) these beliefs and values. I argue that tolerance is insufficient for MCE in so far as it implies an attitude of superiority towards those with whom one disagrees. Recognition is also insufficient, however, since it is based on a problematic view of culture and human identities, is of little value if handed out automatically and neglects the fact that beliefs and values are often mutually incompatible and cannot be affirmed at the same time without logical contradictions. As an alternative to tolerance and recognition, I suggest that democratic citizens should respect the principle of reciprocity. Furthermore, children should be encouraged to approach other cultural and religious traditions with an open mind, and to learn from them, rather than to draw any immediate conclusions – positive or negative – about their worth/value.

I then discuss whether MCE should strive to create good patriots, good cosmopolitans or something else. I suggest that children should first and foremost learn about the history of the society in which they are citizens, as well as the dominant language(s) used in this society – since there is of yet no cosmopolitan world society in which one can be member – but

that this is far from teaching children to become patriots in any comprehensive sense. On the contrary, I argue against the idea that children should be taught to take special pride in their national culture, or that they have a special relationship to those who share their ethnic background or culture which goes beyond their duties to human beings in general. Instead, they should be encouraged to respect the principle of reciprocity for whatever moral reasons they themselves prefer. The reasons for this have to do with the dangers of patriotism/nationalism (even in liberal versions) and the incompatibility between patriotism/nationalism and certain universalistic religious traditions and moral views.

A related issue has to do with how the subject of history should be taught: as a noble, moralizing story of great men and their achievements which aims to instill certain values and virtues in children or as empirically based with the aim of fostering critical reflection and understanding. Ajume Wingo, Galston and others suggest that most citizens cannot be expected to support democratic principles and values on intellectual/informed grounds and should therefore be taught a sentimentalist version of history. I argue that this is a cynical view of people and that the low level of political knowledge found among most citizens should lead us to improve education rather than to lower the ambitions of MCE. More importantly, it seems to violate the principle of reciprocity. It would also undermine certain key capacities/dispositions in citizenship education, such as critical thinking and respect for rational arguments and evidence, and lessen the chances of learning from historical mistakes. Finally, sentimentalism may lead to more conflicts rather than less, if it means downplaying historical injustices committed against different minority groups.

In the final section, I discuss Religious Education in relation to MCE. I argue that certain parts of this subject are necessary for MCE: children who are religious should investigate how their beliefs relate to the principle of reciprocity, children in general should be encouraged to reflect on the relation between democracy and religion and to see their disagreements as potentially reasonable, as well as learn about different religious traditions so that they can practice "immanent criticism" and be able to communicate across religious and cultural differences. Other parts, however, seems to me unrelated to MCE: helping children to decide which (if any) religious doctrine they shall believe in, contributing to their Bildung and/or to their moral and spiritual development. I therefore suggest that RE may be split into two different subjects, one which is mandatory (as part of MCE) and one which is optional. I then discuss the critique that modern RE promotes a secularist understanding of religion where claims of truth are ignored and/or replaced by a subjectivist focus on the inner expe-

rience of children, and where different religious traditions are presented side by side as objects of individual choice. This critique is largely correct, I think, and should lead to a more self-critical RE where the very possibility of an objective presentation of religious traditions is critically reflected on. It is also important that the teacher avoids giving children the impression that all religious traditions are the same (equally true or equally false), and/or objects of individual choice according to taste, and/or relics from the past without continuing relevance. Some critics of modern RE argue that children should be encouraged to test the various truth claims made by different religious traditions in the classroom, but I suggest that such testing is unnecessary from the point of MCE and may be prove difficult since these traditions often differ in their views on what religious truth is and how to attain it.

5. Children's rights to develop personal autonomy

5.1. Introduction

In this chapter, I argue for children's rights to develop personal autonomy. I start by discussing whether parents (should) have any special right to decide over the education of their own children, apart from their primary right to determine how children in general are educated. I then develop a concept of personal autonomy which is compatible with respect for pluralism and the social aspects of human existence, and with a limited right for parents to exercise influence on the education of their children. Finally, I examine the relation between MCE and an autonomy-promoting education and suggest that the former reinforces the latter in so far as the knowledge, skills and dispositions associated with democratic citizenship overlap with the capacity and disposition for critical reflection which children need in order to become personally autonomous.

5.2. Parental rights in education

Let me begin by recapitulating what was said in section 3.4. about democracy and individual rights. In this section I made a distinction between primary and secondary rights: primary rights are those individual rights which follow directly from the principle of reciprocity, i.e. rights which are internal to the democratic process (the right to vote, freedom of speech etc.) and/or necessary for democratic participation to be meaningful (the right to an adequate level of education, access to basic material goods etc.); secondary rights are those individual rights which are external to the democratic process and not necessary for ensuring that all citizens have the opportunity for meaningful participation. While primary rights must be given concrete shape by a particular political and legal community, they are less contingent than secondary rights, which may vary quite considerably between different such communities, depending on the will of the majority. It should be noted, however, that some secondary rights are less contingent than others, in so far as the demand that all citizens have the right to a meaningful participation in the democratic process protects against certain outcomes: it is difficult to see, for example, how a properly democratic process could end up denying certain people the right to worship as they like (i.e. freedom of religion). But most potential secondary rights are not self-evident in this way; for example, there are good arguments both for and against the right to assisted suicide and it seems that a democratic majority can decide either way without necessarily violating the

democratic process. But what about the right of parents to determine how their children are socialized, including the content of this socialization?

There are (at least) three possibilities when it comes to the question of parental rights in education[170]. Firstly, one can argue that such rights are pre-political (given by God or Nature) and therefore cannot be denied by a democratic majority. Secondly, one can argue that they are primary, either because they are internally related to the democratic process or because they are necessary for democratic participation to be meaningful. Thirdly, one can argue that they should be accepted by a democratic majority for other reasons (and thus become secondary rights). The first option is incompatible with the deliberative democratic model that I developed in Chapter 3. I will not repeat my critique of the idea of pre-political rights here, other than to point out that it – unlike the principle of reciprocity – cannot be the object of an overlapping consensus among persons who adhere to different moral, religious and philosophical beliefs. The same critique applies to William Galston's defense of parental rights as following from a presumption of expressive liberty which trumps the will of democratic majorities (see section 2.2.1)[171]. As for the second option, parental rights in education are not part of parents' own primary rights, since they are not necessary for them to participate meaningfully in the democratic process. But perhaps one can turn this argument around and argue that such rights are part of children's primary rights, or the primary rights of citizens in general, in so far as parental control over education serves as a shield against totalitarianism (see section 6.2.5.)[172]? In my view, the threat of totalitarianism is better avoided through the upholding of children's primary rights to a mandatory citizenship education, which is in the interest not only of children themselves but of citizens generally (see section

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[170] I will start from the premise that children's rights to develop personal autonomy depend on formal/institutionalized processes of socialization, i.e. education (see section 4.2.). The reason for this is basically the same as the reason for MCE; one cannot assume that children will necessarily learn the capacity and disposition for critical reflection associated with personal autonomy (more on this below) outside of schools. Note, however, that the question of school choice remains to be discussed.

[171] "[T]he ability of parents to raise their children in a manner consistent with their deepest commitments is an essential element of expressive liberty" (Galston 2002, p 102).

[172] Klas Roth (2009) shows that this idea was central in the argumentation behind the creation of Article 26 of the Universal Declaration of Human Rights, which says that parents have a "prior right" to choose the kind of education that their children receive.

4.2.). One could imagine societies where parents have little influence over their children, and where these children are nevertheless given the opportunity to learn the knowledge, skills and dispositions they need in order to participate meaningfully and responsibly in the democratic process. This leaves us with the third option.

What reasons are there for a democratic majority to acknowledge the secondary rights of parents to determine how their children are educated, including the content of this education? Note that these rights would go beyond the primary rights that parents have as citizens to determine how children *in general* are educated (i.e. their rights to be part of the democratic process in which different matters are decided, including questions of education) and give them *special* rights to decide over the education of their own children. Such special rights for parents can be defended on the grounds of the interests of the parents themselves, but also on the grounds of the interests of children, and/or the interest of society. The first type of argument is provided by Eamonn Callan (2004, p 142): "The role of parent is typically undertaken as one of the central, meaning-giving tasks of our lives. Success or failure in the task … is likely to affect profoundly our overall sense of how well or badly our lives have gone". And further: "We do not experience the rearing of a child merely as unilateral service on behalf of a separate human life; we experience it as the sharing of a life and a cardinal source of self-fulfillment" (p 144). This argument seems to me strong, in so far as having and raising a child is an important part of most people's lives, and parents should therefore be allowed to have and raise children and to spend time with them. Inevitably, this means that parents will have a profound influence on the world view and values of their children (Callan 2004, p 145; Galston 2002, p 102) – their socialization – but it does not yet show that parents have special rights to determine how these are *educated*, in other words what happens to them in school. It may be proper to give parents some influence over what happens to their children in school as well, but I do not think that the parent-centered argument for parental rights grounds a right to complete control for parents over their children. The needs of parents are fulfilled by giving them the right to share a relationship with – and indirectly to exercise a profound influence on – their children outside of school (Archard 2002, p 151).

The second argument starts from the interests of the child. For the sake of their well-being, children must grow up with adults who show special concern for them and reliably advance their interests, and only parents – biological or adoptive – can provide such care, since they have formed special (biological and/or psychological) bonds with their children

and know what is best for them (Archard 2003, p 84-85; Brighouse & Swift 2006, p 85). Of course, some parents are better than others – and some are wholly unfit for the parental role[173] – but in general this presumption is sound, I think (especially if the alternative means growing up in an institutional environment). Thus, society should assume – until the opposite has been proven – that children fare best when growing up under the care of a limited number of adult individuals (biological or adoptive parents). What it must not assume, however, is that it is in the best interests of children to be under the complete control of their parents. Rather, children should be given the opportunity to learn about the world beyond the horizon of their family, and to shape their own lives, or so I will argue in this chapter. There are also reasons for thinking that many parents will not be as competent as professional teachers in teaching their children the skills and knowledge they will need in the present and the future. Thus, the interests of children cannot be invoked as a basis for defending parental rights in education in any strong sense, but only for defending parental rights outside of the school (or perhaps one should instead speak of children's rights to grow up with their parents)[174].

The third argument is pragmatic; someone has to take care of the children in a society, and the most obvious candidates are the biological parents of the child or adoptive parents if the biological parents are unable or unfit to play this role. As David Archard (2003, p 85) puts it, there is a "coordination problem" which "can be solved if there is some salient fact that all can recognize and that, further, suggests a generally agreeable arrangement. The fact of natural parenthood is such a salient fact". Again, this argument only establishes parental rights outside of the school, and not inside it. My conclusion, then, is that there are no good reasons for giving parents the right to determine how their children are educated, beyond the right they share with other citizens in jointly determining how *all* children are educated. The word "determine" is important: parents should have some influence over what happens to their children in school[175], but must not be allowed to violate the demands of MCE (for example by insisting that their children should not learn about different

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[173] I am thinking here of parents who abuse their children.

[174] Cf. Brighouse and Swift (2006, p 103): "if children's interests are best served by a division of authority between parents and some other agency [e.g. the school, JR], then that division is preferable to giving parents exclusive authority …".

[175] And perhaps be given the possibility to choose a school for their children (see Chapter 6).

religious traditions) or the (secondary) rights of children to develop personal autonomy.

5.3. Personal autonomy

The concept of autonomy can be used in many different ways. I would like to start by separating personal from political and moral autonomy. Political autonomy can refer to collectives (the right of a democratic people to rule over itself) or individuals (the right of individual citizens to take part in the democratic process, i.e. not to be subjected to political coercion without their actual or potential consent). Moral autonomy is used by Kantians to denote the capacity of moral agents to willingly subject themselves to universal moral principles, rather than being governed by desires and inclinations (Kant 1785/2002). In contrast, personal autonomy refers to the individual capacity for rationally/critically[176] reflecting on one's beliefs, values and desires – as well as the disposition to do this – without necessarily implying that one must subject these beliefs, values and desires to a universal moral test (Christman & Anderson 2005, p 2). Personal autonomy also differs from freedom, if freedom is defined in a negative sense, i.e. the notion that a person is free to the extent that he/she can act according to his/her will without other persons interfering (Berlin 1990). One can be free, in this sense, without being personally autonomous. Consider, for example, the fundamentalist terrorist who blows himself/herself up in public. He/she acts freely in so far as no one is forcing him/her to detonate the bomb, but he/she does not act autonomously if this action is simply the consequence of having been brainwashed, rather than following from a rational decision, i.e. a decision which is based on critical reflection, alone or together with others, where the relevant information has been taken into consideration.

In order to spell out the concept of personal autonomy, I would like to discuss an influential account of autonomy which has been developed by Gerald Dworkin (1988). According to Dworkin, autonomy is "the capacity to raise the question of whether I will identify with or reject the reasons for which I now act" (p 15). Identify here means making a second-order endorsement of one's first-order desires (or beliefs, values etc.); for example, a smoker is autonomous if he/she endorses his/her first order-desire to smoke, i.e. if he/she *wants to want* to smoke. But as Ian MacMullen (2007, p 70) and others have pointed out, this account still leaves open the possibility of heteronomy/non-autonomy, in case one's second order-

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[176] I will use these concepts as synonyms.

endorsement is not based on a rational process. The smoker is not autonomous if, for example, he/she has been duped into wanting to want to smoke through a clever advertisement campaign by Marlboro. In answering this critique, Dworkin (1988, p 18) has added a requirement of "procedural independence" which says that the second-order endorsement process must be independent from "hypnotic suggestion, manipulation, coercive persuasion, subliminal influence, and so forth". John Christman (2005) has developed this requirement further and argues that a person is autonomous if he/she would not feel alienated from his/her beliefs, values and desires, if he/she came to know how these were historically formed. One circumstance which Christman claims would lead to such alienation is "educational backgrounds that would severely limit opportunities to raise questions and come to minimally independent conclusions" (p 335).

Dworkin's and Christman's account of autonomy can be criticized on various grounds. Some argue that they put too much emphasis on how beliefs, values and desires are formed, and too little on the content of these beliefs, values and desires. MacMullen (2007, p 71), for example, claims that an autonomous person must be the "ongoing author" of his/her life and cannot lead a life with little or no room for critical reflection, even if this life is the result of an autonomous choice. I will come back to this issue in the next section. Another point of criticism is that their account of autonomy is too demanding; very few persons are ready to endorse every part of their own personality, but does this mean that they are not autonomous[177]? Moreover, it seems that there are many aspects of our lives which are immune from critical reflection:

> Our musical tastes, our preferences among table condiments, our tastes in clothing and décor, to mention a few examples, are often formed by processes about which we are unaware and on which we never reflect. These examples are morally trivial, which ensures that they do not affect the claim to autonomy of the person who has them (Brighouse 2000, p 67).

This objection is not without problems – I would argue that it is both possible and desirable that individuals critically reflect on their aesthetical preferences, for example – but the general point is well taken: personal

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[177] There are also psychological reasons for doubting the possibility of such an endorsement, as Christman (2005, p 335) himself notes: "We all contain some measures of internal conflict and complexity, and an attitude of ironic acceptance of the tensions of our own psyches is inevitable, and perhaps healthy, in a multi-dimensional and perplexing world".

autonomy is not an all-or-nothing affair but a matter of degrees, and may also vary between different aspects of one's life[178]. In this chapter I will use the concept of personal autonomy as denoting a rather strong individual capacity and disposition – which is dependent on a social context, as we shall see – to critically reflect on one's beliefs, values and desires in life generally. Finally, it can be argued that there are other aspects to personal autonomy than critical reflection. For example, if a person is given the choice of handing over his/her money or being killed, and decides, after critical reflection, to hand over the money, this choice is not autonomous since it is in an important sense coerced (Brighouse 2000, p 66). Hence, to decide whether a person is personally autonomous or not, one must not only look at factors having to do with rationality (the capacity and disposition to critically reflect on various matters, the availability of information, the existence of a social context which is supportive of critical reflection), but also take into account the number and qualities of options available for a person to choose from[179]. Of course, to a certain extent, options will always be limited – by physical reality, by societal laws and customs etc. – and persons should not be considered non-autonomous unless their options are severely limited for contingent and potentially remediable reasons. In this chapter I will focus on factors which are related to rationality and directly depend on education, rather than on factors such as poverty and crime, which are better addressed through political and economic reforms (although education could play an important role here as well).

It should be noted that children's rights to personal autonomy can only be of a secondary kind. This is because personal autonomy has to do with capacities which are exercised in one's *private* life, for example when deciding to enter or exit a particular community, to believe or not to believe in a certain doctrine, to choose or not to choose a certain path in life, and does not directly concern one's life as a democratic citizen. This distinction may be criticized for being merely theoretical, since the capacities and dispositions of personally autonomous individuals are more or less the same as those of democratic citizens (at least ideally). One cannot simultaneously be a critical thinker in public/political life and a non-critical, servile person in one's private life. I agree with this criticism, as we shall see in

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[178] Cf. Dagger (1997, p 38): "Autonomy is a matter of degree, which means that we can draw comparisons between persons, or even between one's self at different times, as being more or less autonomous".

[179] Cf. Reich (2002, p 95) "It is hard to imagine a person exercising autonomy without ever possessing any significant freedoms".

section 5.4.[180] Nevertheless, I will try to show that there are good reasons for giving children secondary rights to personal autonomy, even against the wishes of their parents if necessary. In particular, I will argue that personal autonomy is compatible with many different views of the good life and that it does not presuppose an atomistic and/or anti-social view of the individual.

5.3.1. Personal autonomy and pluralism

A common objection to the rights of children to develop the capacities and dispositions which are needed for them to become personally autonomous is that such rights are incompatible with the fact of reasonable pluralism: "the decision to throw state power behind the promotion of individual autonomy can undermine the lives of individuals and groups that do not and cannot organize their affairs in accordance with that principle without undermining the deepest source of their identity" (Galston 2002, p 21)[181]. Consider, for example, fundamentalist religious communities where individuals are expected to subordinate themselves to the authority of the group, and/or its leader, and where unswerving commitment and unquestioning faith is prioritized over rational reflection and individual choice (following from such reflection). Eamonn Callan (2004, p 150) cites the theologian John Wesley who argues that

> we are to use our understanding, our imagination, our memory, wholly to the glory of him that gave them. Thus our will is wholly to be given up to him, and all our affections to be regulated as he directs. We are to love and hate, to rejoice and grieve, to desire and shun, to hope and fear, according to the rule which he prescribes those we are, and whom we are to serve in all things.

According to Wesley, human individuals are deeply corrupted and cannot be expected to find the right path in life through rational reflection; instead, they should surrender themselves to God and follow His will unconditionally. To be sure, this is an extreme version of religious faith which is

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[180] Note that my distinction between public/political and private differs from the classical liberal one: I do not consider the private sphere to be a pre-political, timeless and unchanging sphere, but rather a contingent one which is dependent on democratic decision-making (see section 3.4.). In this chapter I will assume that democratic citizens support such a private sphere in which they can live as they like and associate with whomever they want.

[181] Cf. Galston's distinction between autonomy-liberalism and diversity-liberalism (section 2.2).

shared by few religious believers today, but it is enough that there exist a few such believers – who are also reasonable in that they respect other citizen's primary rights – for making the idea of a mandatory promotion of personal autonomy in all schools (which is the consequence of acknowledging a secondary right for children to develop personal autonomy, cf. footnote 171) problematic. How can a democratic majority decide on this policy without violating the rights of these believers to a meaningful influence in the democratic process? I will now argue that they can (and should) make such a decision, since personal autonomy is compatible with many different views of the good life and important enough to override the objections of parents who fear that it will lead their children away from what they consider to be the right path in life.

One way of making personal autonomy compatible with pluralism is to argue for its instrumental benefits, rather than for its intrinsic value. According to Will Kymlicka (1991, p 13; 1995, p 81), individuals have two essential interests: 1. to live one's life "from the inside", i.e. in accordance with one's beliefs about what is valuable in life, and 2. to be able to rationally reflect on these beliefs in the light of different beliefs which can be found in society. The first interest has to do with negative freedom, and the second one – which will be my focus – has to do with personal autonomy. Kymlicka (1991, p 11) argues that our beliefs about what the good life is can be wrong or misguided, and that "our essential interest is in living a good life, not the life we currently believe to be good". When rationally reflecting on how to live our lives, we do not ask ourselves merely how to attain our goals but also if these goals are "worthy of our continued allegiance" (1995, p 81). In order to safeguard the essential interest of individuals in leaving a truly good life – a life according to beliefs and values which are worthy of our continued allegiance – they should "have the conditions necessary to acquire an awareness of different views about the good life, and an ability to examine these views intelligently" (p 12). Kymlicka (1995, p 82) specifically mentions the role of education in providing these conditions.

This account of the essential interests of individuals is part of an attempt by Kymlicka to defend liberalism from its communitarian critics. He argues that liberals are not interested in freedom of choice for its own sake but only as a precondition for finding those ends which are valuable for their own sake: "it is our projects and tasks that are the most important thing in our lives, and it is because they are so important that we should be free to revise and reject them, should we come to believe that they are not fulfilling or worthwhile" (p 48). People value commitments and stable relationships and do not generally think that freedom of choice should be

maximized (p 49). Thus, freedom of choice, and personal autonomy, is only instrumentally valuable to a person, and not something which is good in itself.

Kymlicka makes no distinction between personal autonomy and negative liberty (freedom of choice) and does not directly address the question of how to make personal autonomy compatible with pluralism. There are other philosophers, however, who have continued on his path and addressed the questions relevant for this chapter. Harry Brighouse (2000, p 69) agrees with Kymlicka that individuals have an essential interest in being able to endorse their lives from the inside. This leads him to propose that children should have a right to develop personal autonomy, for two reasons. Firstly, parents may not know what is best for their children even if they think they do. Brighouse (2000, p 73) gives the example of a homosexual child who grows up in a community where religious norms prohibit homosexual persons from living well, i.e. in accordance with their nature. He argues that everyone should have an equal opportunity to live well – as a matter of basic justice – and that children should learn to critically reflect on the beliefs and values they have been taught by their parents so that they can revise or reject these if necessary for them to live well. Secondly, personal autonomy can help individuals cope with technological, economic and social changes in modern societies, which demand a certain flexibility of mind and action if they are to live well (Brighouse 2000, p 69).

Brighouse contrasts this instrumental argument for personal autonomy with arguments for autonomy which are based on the idea that autonomous living has intrinsic value (p 67-68). One example of such an argument is Socrates' claim that the unexamined life is not worth living. Another example is the existentialist belief that human beings can only live authentically if they renounce all authority and tradition and accept that they are "condemned to freedom", i.e. completely free and responsible for their own lives. A third example is John Stuart Mill's belief in the superiority of individual lives where eccentricity, dissent and innovation are at the centre, and his apparent distaste for those who unthinkingly follow conventions and customs: "he who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation" (Mill 1859/2003, p 124). The problem with these views, according to Brighouse, is that they depend on controversial ideas about human nature and the good life which cannot be endorsed by all reasonable persons. They are in conflict not only with the beliefs of religious traditionalists but also with the beliefs of those who are opposed to individualist values for other reasons. In order to accommodate such persons, he argues, personal autonomy should be argued for on instrumental grounds –

as a tool for finding the good life – and not be tied to any particular view of the good life (Brighouse 2000, p 68).

Ian MacMullen (2007, p 98), finally, argues that children should be taught the capacities and dispositions needed for rational reflection so that they can find an "ethical doctrine" which fits their distinctive identity and aspirations, as well as their physical and mental endowments. Such reflection helps them "to find and lead better lives by detecting false or inadequately supported beliefs and by identifying the presence of inconsistent values or applications of principles within one's conception of the good" (p 102) and protects them from being exploited and manipulated by other persons. It also helps them to navigate in a rapidly changing world where "the ethical wisdom inherited from one's parents may not extend to questions about Internet dating or embryo screening" (p 103). To sum up, the instrumental argument for personal autonomy focuses on the instrumental benefits of critical reflection – as a tool for persons to find a truly good life, or a life which is suitable for them, for protecting them against exploitation and manipulation and for helping them to thrive in the modern world – and avoids any claims about the intrinsic value of a particular way of life. Thus, it shows how personal autonomy is compatible with many different views of the good life, and therefore also with the fact of reasonable pluralism.

The question remains, however, whether this argument succeeds in avoiding controversial claims or assumptions. Consider, for example, the idea that rational reflection is the instrument by which people can find a truly good life. This idea will be questioned by those fundamentalist parents who think that human nature is corrupted and that the good life consists in following the commandments of God, as recorded in some holy text, without doubt or hesitation. Or consider the idea that living well means living in accordance with one's nature. Here, the fundamentalist parent may object that human nature should be resisted and/or reformed – through prayer and disciplined effort – rather than be accommodated: "For some religious parents, flourishing is achieved by submitting to God's will, not by actualizing personal preference. Happiness comes when God transforms human nature to match his requirements, not when human beings attempt to make their world conform to their individual desire" (Warnick 2009, p 96). Similarly, it could be argued that modern societies should be reformed when diverging from the path of God, rather than prompting us to rethink this path. The point here is not that fundamentalist parents should be allowed to veto their children's rights to develop personal autonomy, but simply that no argument in favor of such rights can avoid controversial claims and assumptions altogether. In my view, the instru-

mental argument is convincing enough but should be complemented by an argument affirming the intrinsic value of personal autonomy, although as a normative principle and not as a particular lifestyle. This argument applies the principle of reciprocity to the private sphere. If individuals have the right to a non-trivial involvement in the democratic process (what could be called political autonomy), why should they not have a similar right in their private lives (personal autonomy)? It seems incongruent to say that individuals should be respected in the public sphere, i.e. have the right to be involved in a meaningful way when laws and policies are decided, but not in the private sphere, i.e. have the right to be involved in a meaningful way in shaping their own lives. There is also a parallel here to the burdens of judgment. If reasonable persons can disagree about the answer to deep moral, religious and philosophical questions in the public sphere, then it seems that they can disagree about the same questions in the private sphere. In other words, parents cannot claim to know which lives are the best for their children and should not be allowed to coerce or manipulate/indoctrinate their children into accepting certain beliefs, values and practices. Of course, they may try and influence their children – like any other person – but they must not stop their children from developing the capacities and dispositions which are needed for them to find their own path in life. Note that this argument largely avoids taking a position on what the good life is. It does not claim that the good life is a life devoted to philosophical reflection, to renouncing authority and tradition, or to the pursuit of eccentricity and innovation. It simply says that individuals should have the right to shape their own lives, whatever content these lives may have (within certain limits, as we shall see). This argument complements the instrumental argument for personal autonomy, I think, rather than replaces it. The difference is that it offers a more unconditional defense of personal autonomy: *even if* parents know what the good life is, or what a life suitable to their children is, and have no wish to exploit or manipulate them, and *even if* they are living in a pre-modern world or society[182], their children *still* have the right to shape their own lives. There are no contingencies, then, which could undermine children's rights to develop personal autonomy. Again, one can draw a parallel to the principle of reciprocity in the public sphere. In section 3.2., I argued that people should have the right to be involved in the democratic process even if a super intelligent computer – which could solve all political problems in a fair and rational way – was one day invented. Similarly, children have the right to

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[182] I am thinking here of the Amish community.

be involved in shaping their own lives in a meaningful sense, even if their parents happen to be the wisest and most intelligent persons on earth.

I mentioned above that there are certain limits to what lives autonomous persons may choose to lead. Let me now expand on this idea by discussing another argument which tries to make personal autonomy compatible with pluralism. This argument has been developed by Harry Brighouse and is dependent on a distinction between autonomy-promotion and autonomy-facilitation. According to Brighouse (2000, 94-95), schools should teach children the skills needed for rational reflection, thus facilitating their personal autonomy, but should not encourage them to use these skills in their daily lives: "Although the skills associated with autonomy are taught, children are not encouraged by the state to live autonomous lives, any more than children taught how to speak French are encouraged to live French-speaking lives". But, as Eamonn Callan (2002, p 121-122) notes, "autonomy is an amalgam of capacity, desire, and emotional susceptibility; it is a constituent of character. The cultivation of character is not the same as helping someone to develop a capacity whose acquisition leaves the learner's ends unaffected". Without a standing disposition to critically reflect on various matters, there is also a risk that one loses one's autonomy, for example by missing out on important information which should lead one to reconsider one's current path in life, or by psychologically adjusting oneself to harmful circumstances instead of trying to change them[183]. This is the reason why MacMullen (2007, p 71) questions Dworkin's and Christman's exclusive focus on how beliefs, values and desires are formed, and their neglect of the content of these beliefs, values and desires: "we should not regard as autonomous the person who essentially enslaves himself by adopting the second-order commitment to obey some particular ethical authority unconditionally, *even if* that commitment is undertaken by a genuinely free choice of the person in question ...". For example, an autonomous person cannot choose to enter a religious sect, with little or no room for critical reflection, without thereby losing his/her autonomy, at least in the long run. Schools should therefore actively encourage children to use critical reflection and not just facilitate its development[184].

It should be noted, however, that autonomous persons can choose to lead lives in which lasting commitments and loyalty to tradition are cen-

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[183] See Martha Nussbaum's (2000, p 153-158) discussion of so-called "adaptive preference formation".

[184] But if they choose to enter a sect, or to live unreflectively, as adult persons they should be allowed (legally) to do so. I am not defending paternalism over adult persons here (cf. MacMullen 2007, p 214).

tral: "autonomous persons can have real commitments, to people and values, that are not properly described as tentative merely because they are not immune to review and possible revision in the light of new evidence and arguments" (MacMullen 2007, p 75). According to MacMullen, there is no need for them to "engage in a daily bout of Cartesian doubt" (p 75) but they should give some periodic, serious attention to alternative belief and value systems and be prepared to re-evaluate their own beliefs and commitments if there are convincing reasons for doing so. The point of this is not so much to find a truly good life (Kymlicka, see above) but rather to find a life which one considers good and which is not based on manipulation and/or obvious falsehoods. As Chandran Kukathas (2007, p 60) points out with reference to Kymlicka, it can be difficult to know which of our ends are worthy of our allegiance (and/or if our lives are truly good in some objective sense), and most persons do not want to spend their lives reflecting on which ends to pursue. Kukathas goes too far in the other direction, however, when claiming that individuals only have an interest in not being forced to act against their conscience, i.e. in being free (in a negative sense). Such a view does not protect them from being indoctrinated or manipulated by other persons. Critical reflection is therefore important, but should leave room for "whimsy" (Kukathas 2007, p 60) and "the value of spontaneity" (Standish 2010, p 46).

A third way of making personal autonomy compatible with pluralism is to connect it to the idea of a right to association and its preconditions[185]. This argument also emphasizes the instrumental benefits of personal autonomy when suggesting that individuals should have the right to leave any association which they belong to, and that the possibility of critical reflection on the beliefs and values promoted by the association in question is necessary for this right to be more than purely formal. Even Galston, who considers associational rights to be fundamental – as part of individuals' expressive liberty – and argues against what he calls "autonomy liberalism" on (value) pluralist grounds (see section 2.2), accepts the need for "real" (rather than formal) exit rights; among other things, individuals must be aware of alternative ways of lives and have the ability to assess these lives, which means that they must not be brainwashed (Galston 2002, p 132)[186]. According to Brian Barry (2001, p 149), real exit rights justifies

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[185] See footnote 82, where I suggest that associational rights are primary for political associations and secondary for other types of associations.

[186] Since these preconditions are more or less the same as the dispositions and capacities needed for personal autonomy, one may wonder if there are any significant differences between "autonomy liberalism" and "diversity liberalism" in practice (cf. Brighouse 2004).

an education which encourages children to critically reflect on the beliefs and values they have inherited from their parents.

I agree with this view of personal autonomy as a precondition for the right to association. It needs to be added, however, that individuals must not only have the right to leave any association to which they belong, but also have the option to initiate a critical discussion and to mobilize members in order to change the association in question (Phillips 2007, p 157; Habermas 2008, p 298). Consider, for example, women in patriarchal communities "who are deeply attached to their cultures but not to their oppressive aspects" (Moller Okin 2005, p 341); it seems unfair to demand of these women that they either put up with being oppressed or else leave the community, which may cause them to lose their entire social network of family and friends. Before going so far as leaving, there must be the option of trying to persuade the other members of the community to adopt new beliefs, values or practices, and here critical reflection – and thus personal autonomy – will be important. Thus, the right to association implies (among other things[187]) a right to develop personal autonomy as a precondition for being able to leave the association and as a precondition for being able to initiate change and critically reflect on its beliefs, values and practices[188].

To sum up, I have argued that a mandatory promotion of personal autonomy for all children is compatible with the fact of reasonable pluralism in so far as the capacity and disposition of personal autonomy is compatible with a wide range of different views of the good life. There are limits, however, to this compatibility. Autonomous persons can choose to belong to traditional communities – where lasting commitments and loyalties to the group or a particular doctrine are of central importance – but they cannot enter communities with little or no room for critical reflection without losing their autonomy, at least in the long run. There are good arguments, I think, to be made for this limit to pluralism, one of which affirms the intrinsic value of personal autonomy (the right of individuals to be involved in a meaningful way in shaping their own lives), and others which focus on its instrumental benefits (to help persons find a life that suits them, to protect them from manipulation/indoctrination and exploitation, to help them thrive in the

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[187] For a discussion of various preconditions for the right to association, see Barry 2001, Ch 4 and 5.

[188] Such reflection may also be to the benefit of associations, including those organized around traditional beliefs and values: "A dogmatically protected culture will not be able to reproduce itself, especially not in a social environment replete with alternatives" (Habermas 2008, p 303).

modern world and to help them initiate change in or leave associations which they belong to). Therefore, I suggest that children should be given a secondary right to develop personal autonomy.

5.3.2. Personal autonomy and individualism

It has sometimes been argued that the ideal of personal autonomy relies on an atomistic and/or anti-social view of the individual. As we saw in Chapter 2, Michael Sandel claims that it depends on an ontological view of the individual as an "unencumbered self" which exists prior to and independent of the beliefs, values and attachments that the individual in question happens to have/hold at any given moment. I will not repeat my critique of this claim here (see section 2.5.1.), other than to point out that the ideal of personal autonomy – and the practice of critical reflection – does not assume the existence of such a ghost-like self. Even if individuals cannot distance themselves from, and critically reflect on, all or even most of their beliefs, values and attachments at once, this does not mean that they cannot reflect on (most of[189]) these beliefs, values and attachments separately and over time. As MacMullen (2007, p 82) points out, "individuals can question and revise their commitments without the need for an Archimedean point from which to carry out the process". Critical reflection always starts from certain beliefs, values and attachments, which are then compared to alternative beliefs, values and attachments, or evaluated according to certain criteria, and so on. Furthermore, the original beliefs, values and attachments may (and, for children, will almost always) be products of non-rational/critical processes of socialization or education. This is unavoidable[190], but it does not threaten personal autonomy as long as they are subjected to critical reflection at some, not too distant, point in the future: "Commitments generated by non-autonomous processes become autonomous when the agent reflects upon them with an appropriate degree of critical attention" (Brighouse 2000, p 67).

It should be mentioned here that personal autonomy is "as much learning autonomously to adhere to a conception of the good as it is learn-

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[189] Some beliefs, values and attachments are probably immune to critical reflection, in so far as they constitute the bedrock of experience for any normally functioning person (for example, having a sense of self, trusting the law of gravity and so on). And of course the practice of critical reflection is itself dependent on certain beliefs, values and attachments (for example, about the meaningfulness of critical reflection) which are held constant (without thereby making persons lose their autonomy, see MacMullen 2007, p 76).

[190] And it shows yet another problem concerning Dworkin's and perhaps also Christman's account of autonomy (MacMullen 2007, p 72-73).

ing autonomously to revise it" (Callan 2002, p 137; cf. Brighouse 2005, p 20). There is nothing which stops autonomous persons from holding on to certain beliefs, values and desires, as long as they do so in a critical way and not simply because of ingrained habit[191] or because of manipulation or indoctrination. In fact, critical reflection may lead persons to even stronger beliefs and commitments, if they come to see these beliefs and commitments as worthy, justified and/or reasonable (Brighouse 2005, p 20). Personal autonomy in the version defended here differs, then, from the existentialist ideal of renouncing authority and tradition, and the Millian ideal of eccentricity and innovation, and is fully compatible with traditional beliefs, values and ways of life, as long as these make room for critical reflection and (to some extent) for individual choice[192].

Another important clarification to be made is that personal autonomy depends on a larger social context in which the individual capacity and disposition for critical reflection is being taught, encouraged and practiced. As Marilyn Friedman (2003, p 104) points out, "persons are fundamentally social beings who develop the competency for autonomy through social interaction with other persons. These developments take place in a context of values, meanings, and modes of self-reflection that cannot exist except as social practices". I think she goes too far in saying that critical reflection can *only* exist as a social practice (unless one defines all individual capacities/practices which are learned in a social context as "social" capacities/practices), but clearly individuals are never standing completely outside of a social context, even when reflecting on their own[193]. The "inner" reflections of individuals depend on ideas, values and meanings which are of a social origin. Thus, "the free individual or autonomous agent can only achieve and maintain his identity in a certain type of culture" (Taylor 1985, p 205)[194].

Kymlicka (1995, p 83) has developed this claim further and argues that individuals can only be free, or autonomous, in a stable "societal cul-

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[191] Again, what is suggested here is not that autonomous persons should spend their entire lives questioning their beliefs and commitments but only that they should give some periodic, serious attention to the alternatives and be prepared to re-evaluate their beliefs and commitments, if there are convincing reasons for doing so.

[192] Cf. Salomone (2001, p 223): "To be autonomous is not to be 'free-floating' but to engage in a dialogue between reflectiveness and embeddedness".

[193] Cf. Valadez (2000), p 137: "even though autonomy may be a capacity exercised by individuals, it cannot be understood entirely in terms of the characteristics of disconnected individuals, since it incorporates a set of capacities and external conditions which, at least in the vast majority of cases, transcend the individual".

[194] As noted earlier, autonomous persons cannot choose to enter a sectarian community without losing their personal autonomy in the long run.

ture"[195] where they are provided with a range of meaningful options to choose from. The state should therefore protect minority cultures[196] so that they do not disintegrate and leave their members without meaningful options. This argument can be criticized, however, for assuming that individuals need access to a stable, integrated culture:

> A person needs cultural meanings; but she does not need a homogenous cultural framework. She needs to understand her choices and the options facing her in contexts in which they make sense, but she does not need any single context to provide commensurable meanings for all the choices she has (Fullinwider 1996, p 104).

In order to be autonomous, then, persons must have access to culture of some kind, but they do not need cultural *integrity*. Furthermore, as Kymlicka (1995, p 94) himself notes, many cultural and religious communities actively oppose the ideal of personal autonomy. Growing up in a religious sect does not help children to develop personal autonomy, even if it may provide them with a (severely limited) range of meaningful options. I sympathize with Kymlicka's general claim that minority cultures should enjoy protection, within certain limits, but not so much for their autonomy-promoting functions as for their importance for the general well-being of individuals and as an accommodation of cultural pluralism (see section 6.2.3.).

5.4. Citizenship education and personal autonomy

In Chapter 4 I argued that children have a primary right to be given the opportunity to learn the knowledge, skills and dispositions they need in order to participate meaningfully and responsibly in the democratic process. Thus, they should be given the opportunity to learn about political facts and different theories of societies, and about various religious traditions in so far as such knowledge is necessary for learning to respect and to deliberate with citizens of different persuasions. They should also be given the opportunity to critically reflect on these issues – alone and/or together with others – and learn to see that reasonable persons can come to different conclusions without any of them necessarily being ignorant, immoral or wicked.

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[195] I.e. "a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres" (p 76).

[196] It is not entirely clear whether Kymlicka thinks that only national minorities should enjoy this protection or if it should be extended to immigrants as well (see p 94, 96).

It seems clear that the knowledge, skills and dispositions associated with democratic citizenship overlap with the capacity and disposition for critical reflection which children need in order to become personally autonomous[197]. As Amy Gutmann (1995, p 563) points out, "[i]t is probably impossible to teach children the skills and virtues of democratic citizenship in a diverse society without at the same time teaching them many of the virtues and skills of individuality or autonomy". Similarly, Kymlicka (2001, p 308) argues that "there are good reasons to think that autonomy will be indirectly promoted by citizenship education, since it is closely associated, both conceptually and developmentally, to various civic virtues". It is difficult to see how children can learn about different ways of life, and be encouraged to critically reflect on different matters relating to politics, without also applying these lessons in their private lives. This observation is confirmed by the attempts of some sectarian communities in the United States to establish their own schools in which they can teach only the most rudimentary political knowledge without risking that their children learn how to reflect critically on various matters (Kymlicka 2001, p 308). For political liberals such as Rawls, the spillover of "political" virtues into the private sphere is problematic, in so far as it threatens the neutrality of the state and the distinction between political and comprehensive/ethical liberalism[198]. In order to defend his theory, Rawls (2005, p 200) claims that the neutrality of political liberalism is one of aims (the political conception of justice is not defended by reference to any particular comprehensive doctrine, but is free-standing, and does not seek to further any such doctrine) rather than of effects (in practice some comprehensive doctrines may be privileged over others) and adds that "[t]he unavoidable consequences of reasonable requirements for children's education may have to be accepted, often with regret". The deliberative model which I developed in Chapter 3 does not make any claim to neutrality in a strong sense, and I have already argued that there are good reasons for supporting a secondary right for children to develop personal autonomy. Hence, I have fewer problems than Rawls with the phenomenon of spill over-effects; on the con-

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[197] At least this is true for the version of citizenship education which I have defended. If the aim is instead to promote sentimental myths about the past, or an uncritical patriotism, then the personal autonomy of children is undermined, rather than enhanced, by citizenship education (Kymlicka 2001, p 310).

[198] Cf. Callan (2004, p 22): "The political virtues that implement the fair terms of cooperation impose educational requirements that bring autonomy through the back door of political liberalism ... The partition that Rawls labours to erect between ethical and political liberalism has collapsed".

trary, the importance of the principle of reciprocity means that it should not be limited to the public sphere. Still, the school must not promote a particular lifestyle when encouraging children to critically reflect on their beliefs, values and desires. For example, they should not be given the impression that beliefs and values are arbitrary and groundless, or that a life full of drastic choices is more valuable than a life of lasting commitments and loyalties. The same goes for citizenship education: MCE, if successful, will teach children the capacity and disposition for critical reflection, and this will in turn have consequences for how they live their private lives, but it should not bias the choices of children between different views of the good life as long as these are compatible with personal autonomy.

5.5. Summary

In this chapter, I argue for children's rights to develop personal autonomy. I start by discussing the issue of parental rights in education and argue that these cannot be seen as pre-political/natural, for reasons given in Chapter 3, or as primary, since they are not necessary for parents to participate meaningfully in the democratic process. Rather, these rights – which go beyond the primary rights that parents have as citizens to determine how children in general are educated – are at most secondary and must be supported by good arguments. I identify three different grounds on which such an argumentation can be built: 1. the interests of the parents, 2. the interests of children, and 3. the interest of society. After having discussed various arguments I conclude that they at most establish a secondary right for parents to live together with their children and thus (indirectly) to exercise a profound influence on the world view and values of these outside of the school. Finally, I concur that it may be proper to give parents some influence over what happens to their children in school as well, as long as they do not violate the demands of MCE or the rights of children to develop personal autonomy.

In the next section, I develop a concept of personal autonomy by separating it from political and moral autonomy. Personal autonomy here means the individual capacity and disposition for rational/critical reflection on one's beliefs, values and desires. The right to develop personal autonomy can only be of a secondary kind, since it has to do with capacities which are exercised in one's private life and it does not directly concern one's life as a democratic citizens (although the boundaries between these two spheres are blurred, as is shown later). Thus, this right needs to be supported by good arguments.

A common objection to the rights of children to develop personal autonomy is that such rights are incompatible with respect for pluralism, since personal autonomy undermines cultural and religious traditions in

which individuals are expected to subordinate themselves to the authority of the group, and in which unswerving commitment and unquestioned faith is prioritized over rational reflection and individual choice following from such reflection. Against this objection, I argue that personal autonomy is compatible with many different views of the good life and important enough to override the objections of parents who fear that it will lead their children away from what they consider to be the right path in life. I begin by discussing various arguments which purport to show that personal autonomy is not intrinsically valuable and thus does not constitute a view of the good life but is only instrumentally valuable as a tool for persons to find a truly (intrinsically) good life, or a life which is suitable for them, for protecting them against exploitation and manipulation and for helping them to thrive in the modern world. I mostly agree with these arguments, although I think they involve certain controversial assumptions which are bound to violate the beliefs and values of fundamentalist parents. Going further, I suggest that children's rights to develop personal autonomy may also be defended on the basis of the intrinsic value of personal autonomy, if understood as following from the principle of reciprocity rather than as constituting a particular lifestyle. It would be incongruent to say that individuals should be respected in the public sphere, i.e. have the right to be involved in a meaningful way when laws and policies are decided, but not in the private sphere, i.e. have the right to be involved in a meaningful way in shaping their own lives. Thus, the principle of reciprocity partly transcends the boundaries between politics and private life.

Promoting the development of personal autonomy does not mean promoting a particular view of the good life. It does not mean, for example, teaching children that the good life is a life devoted to philosophical reflection or to the pursuit of eccentricity and innovation. Neither does it mean encouraging children to renounce authority and tradition. There are limits, however, to what kinds of lives autonomous persons may choose to lead without losing their autonomy, at least in the long run. Among other things, autonomous persons must have a standing disposition to critically reflect on various matters and be prepared to re-evaluate their beliefs and commitments if there are convincing reasons for doing so. To conclude, autonomy-promotion is compatible with a wide variety of lifestyles and views of the good life, but not all, and is motivated by good arguments, both of an instrumental and of an intrinsic kind.

It is sometimes argued that personal autonomy relies on an atomistic and/or anti-social view of the individual. I argue that this is incorrect and that personal autonomy is fully compatible with the fact that critical reflection always starts from certain beliefs, values and attachments which may

be the product of non-rational/critical processes of socialization or education. Also, there is nothing to stop autonomous persons from holding on to certain beliefs, values and desires, as long as they do so in a critical way and not simply because of ingrained habit or manipulation or indoctrination. Finally, it is noted that personal autonomy depends on a larger social context in which the individual capacity and disposition for critical reflection is being taught, encouraged and practiced.

In the final section, I suggest that the knowledge, skills and dispositions associated with democratic citizenship overlap with the capacity and disposition for critical reflection which children need in order to become personally autonomous. Thus, there will be spill over-effects from the public to the private sphere.

6. School choice in a deliberative democracy

6.1. Introduction

In this chapter, I discuss the compatibility of MCE and children's rights to develop personal autonomy with a system of school choice which allows parents and children to choose which (publicly financed and publicly or privately run[199]) school the children attend[200]. Such a system is becoming increasingly popular in liberal democratic nation states and raises many interesting questions which relate to the issues discussed in previous chapters and to the larger question of how to balance unity and pluralism in education. I begin by analyzing six arguments in support of school choice, which claim that it 1. leads to better schools (concerning MCE and autonomy promotion), 2. is a parental right, 3. is a cultural right, 4. is more compatible with pluralism, 5. protects against totalitarianism and/or 6. is part of a more active/direct notion of citizenship. I then analyze four arguments against school choice, which claim that it 1. turns education into a private good, 2. increases segregation (of a cultural, religious and/or political kind), 3. undermines the democratic character of schools and/or 4. threatens children's rights to develop personal autonomy[201]. Finally, I weigh these different arguments against each other and come to a conclusion about the compatibility of a system of school choice with MCE and children's rights to develop personal autonomy[202].

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[199] I will focus on choice between publicly financed schools, which may or may not be privately run, and only briefly discuss the issues of privately financed schools and homeschooling in section 6.4.

[200] I here assume that parents and children are both involved in choosing a school for the child, although the involvement of parents may decrease as the child matures. There is some empirical evidence that this is what happens in reality (Woods, Bagley & Glatter 1998, p 117-120).

[201] Note that I limit myself to arguments which directly concern democracy and rights and leave out those that concern economic efficiency (e.g. Does school choice increase or lower the costs of education?) and social justice (e.g. Does school choice increase or decrease social mobility?). Cf. footnote 83.

[202] In this chapter, I frequently refer to Swedish examples and research done by Swedish authors. This is because Sweden has one of the most advanced/developed school choice-systems in the world, which has been subjected to many studies.

6.2. Why school choice?

6.2.1. Better schools

One argument often heard in favor of school choice is that it will improve the quality of schools generally, as "failing" schools will be forced to improve or else close down when they lose "customers", i.e. parents and children "shopping" for a school. The effects on citizenship education is seldom or never mentioned by the defenders of school choice, but one can assume that they would argue for a positive effect, as competition improves the quality of schools generally – in terms of academic achievement – and democracy benefits from a well-educated and knowledgeable citizenry. Fredrik Bergström and Mikael Sandström (2007) argue that the introduction of school choice in Sweden has improved the quality of Swedish schools, based on a statistical analysis of students' performance in mathematics, measured as results on standardized tests and final grade levels. It can be questioned, however, if these measurements are reliable indicators of quality/academic achievement. As for grade levels, studies have shown that non-government schools inflate the grades of their pupils in order to attract new customers (Wikström & Wikström 2005). Thus, it is doubtful whether rising grade levels signify an improved quality. Standardized tests are more reliable in comparison, but leave out (at least in their Swedish design) complex skills such as critical thinking or deliberative competence, which are essential to MCE (see section 4.3.). Finally, Bergström and Sandström's study is limited to the subject of mathematics, and in order to draw general conclusions about the effects of school choice on the quality of schools – especially in relation to MCE – a broader focus is needed[203].

Underlying the hypothesis that competition for customers leads to better schools generally (in terms of academic achievement) is the notion of parents and children as rational choosers who search the educational market for the best (again, in terms of academic achievement) product to purchase with their voucher. As we shall see in section 6.3.3., however, the preferences of parents and children are rather vague and muddled and include factors such as security, geographical location and beautiful architecture. Thus, the best schools (in terms of academic achievement) may not win out in the competition for customers. But even if parents and children had the "right" kind of preferences – and even if they were rational choosers as postulated by rational choice theory – the problem of finding relevant and reliable information needed for them to make a rational choice remains. According to

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[203] And also a considerable methodological sophistication which checks for the social background of students etc.

one study, the information material provided by schools to parents and children (in brochures, on websites etc.) is dominated by symbolic, and vague, proclamations about the competence of the staff, the friendly atmosphere in the school and the beauty of its surroundings (Johnsson & Lindgren 2010). Such information is plainly not sufficient for parents and children to make a rational choice. Furthermore, it is not clear that there is any alternative information which is better; as I argued above, results on standardized testing or grade levels are unreliable as indicators of quality, especially in relation to the complex skills associated with MCE.

According to Walter Feinberg and Christopher Lubienski (2008, p 6), defenders of school choice increasingly refer to the rights of parents or cultural rights since the claims of improved quality and/or efficiency through competition between schools have been difficult to substantiate empirically. This is not surprising, I think, given the complexities surrounding the issue (as shown above). In comparison, the remaining five arguments in favor of school choice are of a more philosophical kind, and I will now turn to examine these.

6.2.2. Parental rights

I shall not repeat the argument made in section 5.2., but only the conclusion: parents should have – as a secondary right – some influence over what happens to their children in school but must not be allowed to violate the demands of MCE (for example by insisting that their children should not learn about different religious traditions) or the (secondary) rights of children to develop personal autonomy. I do not think that this conclusion provides any reasons for giving parents a secondary right to choose which school their children attend, since such a right would go beyond the demand that they have *some* influence on what happens to their children in school. Thus, school choice does not follow from parental rights, unless one defines these in a way which runs counter to the argument in section 5.2.

6.2.3. Cultural rights

I will now discuss the claim that members of minority cultures should have the right to start and run their own (state-financed) schools, in order to help their cultures survive and reproduce on the same terms as the majority culture(s)[204]. Such a right can be defended on (at least[205]) two grounds: 1.

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[204] The "(s)" at the end of the word "culture" signals that I am skeptical of the idea of cultures as stable, integrated and homogenous wholes. More on this will be said below.

the well-being of the members is dependent on them having access to a stable culture and 2. the members want their cultures to survive "through indefinite future generations" (Taylor 1994, p 41).

As we saw in the previous chapter, Kymlicka argues that individuals can only be free or autonomous in a stable culture which provides them with meaningful options to choose from, and minority cultures should therefore be protected from external threats. For reasons stated in section 5.3.2., I do not think that this argument is successful; even if individuals need access to some culture(s) in order to be free and/or personally autonomous, they do not need access to any particular culture(s), including the culture(s) of their upbringing. Also, many cultures do not encourage the practice of critical reflection and therefore do not promote the personal autonomy of their members. In my view, a better argument for the protection and/or support of minority cultures is that they are important for the general well-being of their members. This argument is put forward by Bhikhu Parekh (2006, p 211): "Since culture is an integral part of an individual's sense of identity and well-being, cultural rights are part of human rights, and a good society should guarantee them to all its citizens". More specifically, he argues that "[a] sense of rootedness, effortless communication, a structured moral life and ease of mutual understanding, all of which are important parts of human well-being, are the spontaneous products of the membership of a stable cultural community" (p 156). Note, however, that this account is open to the same objection as Kymlicka's: do individuals need access to any particular culture(s) for their well-being, and does this/these culture(s) need to be stable? According to Brighouse (2000, p 100), cultures are in constant flux and the gradual change or disappearance of a particular culture "may be a hurdle for someone to overcome but it seems extravagant to claim that people will lose their personalities as a result of it". One reason for this is that the personalities, or identities, of individuals are complex and multifaceted, involving not only cultural elements but also religious and political beliefs, class, gender, age, occupation, geographic location, individual traits, hobbies and so forth (Gutmann 2003, p 36; Festenstein 2005, p 11). As Gutmann points out, "[m]ultiple group identities coexist in individual persons ... [and] individual identities that do not lend themselves to identity groups may be at least as central to a person's sense of self" (p 36). Another reason is that individuals do not generally belong to a single integrated culture, especially not in pluralist societies (p 48; Reich 2002, p 78). Rather, cultures are internally fragmented/heterogeneous and externally porous so that one

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[205] I have decided to leave out the idea of cultural pluralism as intrinsically good, since it is supported by very few (if any) contemporary multiculturalists (for a critique, see Parekh 2006, p 165-167 and Kymlicka 1995, p 121-123).

cannot easily say where one culture starts and another one ends (Benhabib 2008, p 58; Kenny 2004, p 28).

Even if one accepted the claim that culture is important for the well-being of individuals, one could deny that the state should actively protect and/or support minority cultures. According to Brian Barry (2001) and other traditional liberals, the state should be neutral and leave it to individuals to decide which culture(s) they shall belong to, and thus which cultures shall survive. If some cultures become extinct it is because they were not attractive enough to keep their members and/or to recruit new ones. The problem with this idea, according to Kymlicka (1995, p 108), is that the state cannot be neutral on cultural matters[206]: "Government decisions on languages, internal boundaries, public holidays, and state symbols unavoidably involve recognizing, accommodating, and supporting the needs and identities of particular ethnic groups. The state unavoidably promotes certain cultural identities, and thereby disadvantage others". Parekh (2006, p 202) agrees: "in most multicultual [sic] societies a particular culture is generally dominant and enjoys considerable economic and political power. By contrast others suffer from obvious structural and other disadvantages and cannot flourish or even survive for long without public moral and material support". Instead of pretending to be neutral, one could claim, the state should actively support/protect minority cultures in various ways, for example by contributing economic resources to projects, promoting multi-lingual competencies and accommodating the celebration of holidays.

But should the state also give members of minority cultures a secondary[207] right to start and run their own (state-financed) schools? This question has rarely been discussed by those supporting multicultural policies in general. Kymlicka (2001, p 303-305) seems inclined against such a right, based on considerations having to do with citizenship education and the need for integrated classes, as well as the rights of children to develop personal autonomy. Parekh (1996, p 333) supports it, although it is unclear whether he thinks that the schools should be state-financed or not: "If some families or religious communities wish to initiate their children into their respective traditions by setting up schools of their own, they should

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[206] This is also acknowledged by Barry (2001, p 286-287), but he considers it to be unproblematic from a normative point of view.

[207] I do not think this right could be considered a primary right, unless it is shown that culturally-specific schools are necessary for the education (MCE) of children in minority cultures. But then it would be a right belonging to the children and not to their parents or to other adults.

be allowed to do so and even perhaps publicly funded"[208]. Before evaluating this claim, let me start by saying that I agree with Kymlicka, Parekh and others about the need for state support and protection of minority cultures, as long as the primary rights of individuals are upheld[209]. It would not be fair to let cultural interactions be "conducted in circumstances of serious inequality in power" (Kymlicka 1995, p 105) and it seems to me that the well-being of individuals to some degree is dependent on them having access to a somewhat stable cultural context. I am less sure, however, about the claim that members of minority cultures should be given a secondary right to start and run their own schools, state-financed or not, in particular because it is unclear who is the beneficent of such a right. Is it the children, their parents or some other adult persons in their cultural community? If it is the parents, the argument belongs to section 6.2.2. on parental rights. If it is some other adult persons in the cultural community, I would argue that their access to a somewhat stable cultural context is not threatened because of "their" children attending a school without a specific cultural profile[210]. They will themselves have the resources needed to maintain their culture(s) for as long as they live, even if "their" children would someday leave this/these culture(s). What, then, if it is children who are the beneficents? Perhaps the well-being of children demands that their home culture(s) is/are being reinforced in school? The claim here is that "a learning environment culturally (or religiously) consonant with the parents is more likely to produce healthy learning outcomes for young children and is more likely to foster a former sense of self" (Merry 2007, p 78). Such "cultural coherence ... is especially relevant to minority communities, whose specific values and beliefs are more likely to be ignored or even proscribed in certain cultural contexts" (p 78). Against this claim it could be argued that "there is ... no reason to believe that learning about how others live and understanding different culturally specific notions of the good will threaten a child's ability to remain firmly ensconced within his or her culture or to remain committed to its core values" (p 90). As I see it, this is primarily an empirical question, and more studies are needed before one

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[208] In this quote, Parekh writes about "religious" rather than "cultural" communities, but from the overall context of his book I think it is clear that the argument also applies to cultural communities.

[209] Cf. Gutmann (2003, p 78-79): "Democratic governments can justifiably defend the survival of many cultures out of fairness to their citizens and their valued cultural identities and attachments, as long as this defense does not elevate a group right to survival above the basic rights of individuals".

[210] If culture is seen as something more than simply a shared language and a common history (of the political community in question), see footnote 128.

can draw any firm conclusions about what children need and do not need. In particular, one must find a way of isolating the phenomenon of cultural coherence from other factors which could affect the well-being of children with minority backgrounds, for example: Are they being treated fairly? How much resources are being spent on their education? If these factors are removed, the effects on the well-being of children may well be negligent, in so far as they are more adaptable and flexible than adult persons[211]. I would not go as far as Brighouse, however, who claims that children have no culture(s) to begin with. He argues that "the kind of education we provide for children will have effects on which culture they end up in ... so we cannot read anything off from the obligation to provide them with the resources to function effectively in the culture which will be theirs" (Brighouse 2000, p 101). But even if children's cultural identities are more open than those of adults, this is a matter of degree rather than kind, I think. Children do have a rudimentary cultural identity before going to school, and the cultural identities of adult individuals are never fully formed and stable. Thus, it makes sense to discuss what needs children have as cultural beings.

So far I have argued against a secondary right for members of minority cultures to start and run their own schools, if it is defended on the basis of the well-being of these members. One argument remains, namely that the members of minority cultures should have such a right because they want to reproduce their culture for an indefinite future. This argument goes beyond the well-being of single individuals, and perhaps also *against* the well-being of particular individuals, if their interests are sacrificed in the name of cultural survival. Taylor (1994, p 41) claims that Kymlicka neglects this dimension of multicultural politics, which is independent of the value of individual freedom. He mentions a law in Quebec which compels French-speaking parents to send their children to French-language schools and argues that the purpose of this law is not "a matter of having the French language available for those who might choose it" (p 58) but to assure "that future generations continue to identify as French-speakers" (p 59). Thus, cultural survival takes precedence over individual freedom[212]. In the same vein, one could argue that members of minority cultures should have the secondary right to start and run their own (state-financed)

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[211] See Kymlicka (1995, p 85) who argues that "the age of the person" is important in determining the cost of integration for particular individuals. In fact, the well-being of children may be best served by letting them fully integrate in the majority culture(s) and leave their home culture(s) (Merry 2007, p 101).

[212] As long as the "fundamental rights" of individuals are not violated (p 59).

schools, in order to assure that their culture is being passed on to future generations. This could perhaps be seen as a matter of basic fairness: if the majority culture(s) can reproduce itself/themselves through the dominant institutions of society, then minority cultures should have their own separate schools so that they can reproduce their cultures on similar terms. This argument has some merit, I think, although I am skeptical of the notion of a right to cultural reproduction. As Habermas (2000, p 222) points out:

> Cultural heritages and the forms of life articulated within them normally reproduce themselves by convincing those whose personality structures they shape, that is, by motivating them to appropriate and continue the traditions productively. The constitutional state can make this hermeneutic achievement of cultural survival possible, but it cannot guarantee it.

Similarly, Benhabib (2008, p 66) argues that "the right to cultural membership entails the right to say no to the various cultural offers made to one by one's upbringing, one's nation, one's religious or familial community". It is understandable that members of minority cultures want their cultures to survive, and this, too, may motivate state support and protection for these cultures, in the shape of material contributions and accommodations of various kinds. They must not, however, violate the primary rights of individuals, nor, I would argue, the secondary rights of children to develop personal autonomy by enforcing particular beliefs and values through an uncritical education. In the end, therefore, the argument depends on whether or not the state can regulate and control schools with a particular (in this case) cultural profile so that their teachings do not violate the primary and secondary rights of children[213]. This issue will be discussed in more detail in section 6.4. For now, I consider this argument for school choice – starting from the interest of members of minority cultures in reproducing their cultures on similar terms with the majority culture(s) – as rather weak and applying only to members of minority cultures[214].

6.2.4. Compatibility with pluralism

I will now discuss the claim that schools cannot be neutral in relation to different views of the good life and that it would be preferable – from a pluralist point of view – if parents and children had a right to choose

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[213] And, as we shall see, there are other ways in which a school choice system motivated by pluralist concerns may undermine these rights.

[214] Since parents who belong to the majority culture(s) are not at an unfair disadvantage when it comes to reproducing their beliefs and values.

which school the children attend[215]. I will also discuss the related claim that the aim of neutrality in education undermines citizenship education.

Before discussing these claims, let me remind the reader that I have not suggested that the deliberative democratic model (developed in Chapter 3) or the account of MCE (developed in Chapter 4) are neutral in any strong sense but rather that they are compatible with the fact of reasonable pluralism, i.e. the fact that reasonable persons can and do disagree on various matters, especially when these are of a moral, religious or philosophical kind. Furthermore, I have been careful to leave the question of school choice open, which means I have not argued for (or against) a "public school" (i.e. a "neutral" school run by the state), or suggested that schools should be hindered from promoting a particular view of the good life. Rather, I have argued that such promotion cannot be mandatory in a pluralist society, i.e. cannot be part of MCE. For example, in section 4.3.4. on Religious Education I claimed that the moral (in an ambitious and thus controversial sense) and spiritual development of children lies outside of the domain of MCE and that such content – if it is to be part of the curriculum – may be transformed into an optional subject for parents and children to choose. The problem of neutrality is not limited to the subject of RE, however, but applies to the entire process of schooling:

> Secular schools may well refrain from overt anti-religious teaching. But the worldview presented to the children will be one in which religion plays no significant role. Such a curriculum may not necessarily produce atheists, but it will tend to produce young adults who think of religion as something separate and distinct from the real world of knowledge, if they think of religion at all (McConnell 2002, p 117)

And further:

> By its nature, education reflects choices about what is objectively knowable (as opposed to what is mere opinion), what is significant and what can be neglected, what positions are worthy of study and what positions may be dismissed as irrelevant or unsupportable. The school speaks with the authority of professionalism, of learning, and of organized society. When it defines the fields of study and specifies the modes of understanding that constitute acceptable scholarly discourse, it necessarily relegates other fields and other modes of under-

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[215] I will here take for granted that the school is not openly biased towards or against any such views, for example by portraying a particular religious tradition in a negative light, and will instead focus on more subtle forms of biases/non-neutrality.

standing to the realm of the unimportant, the subjective, and the dispensable (p 117)[216].

If this is correct, then "neutral" schools are in effect anti-religious, in so far as they implicitly deny the importance of religious faith for understanding the world. How could such schools be the outcome of a democratic process in which the interests and viewpoints of all citizens, including religious traditionalists, have been taken into consideration? Note that it does not help to remove contentious issues from the curriculum, since the problem goes deeper and concerns what is implicitly denied rather than what is explicitly said. McConnell therefore argues that "families" should be allowed "to choose among a range of educational options, including but not limited to government schools, using their fair share of educational funding to pay for the schooling they choose" (p 87). Of course, this does not make schools any more neutral but rather allows for a diversity of schools with different biases/profiles according to the wishes of families, i.e. parents (at least in the case of younger children). The assumption here is that parents, unlike the state, have a right to influence the worldview of their children through the educational system, something which I have argued against in section 5.2. Moreover, I think that McConnell is too hasty in abandoning the aim of neutrality in education, if this is understood as the aim of avoiding to promote any particular view of the good life. If schools introduce children to different beliefs and values – both religious and secular – and encourage them to critically reflect on these, as well as on the very possibility of neutrality (see section 4.3.4.), then schools can be said to be neutral in the relevant sense. This does not mean that alternative viewpoints should be introduced at every turn; for example, schools can teach the theory of evolution without having to "balance" by teaching creationism, and still be considered neutral, in so far as the former theory is well-supported empirically. But it motivates, I think, a larger inclusion of religious perspectives than is often the case today, for example in discussions of politics or ethics in the classroom.

McConnell (2002, p 98) has a further critique of neutrality as an educational aim, when claiming that public schools "will attempt to avoid conflict by watering down the curriculum and avoiding any teaching that might be offensive to any significant group". In contrast, private schools "are in a better position to teach from a coherent perspective. If schools are

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[216] Cf. Greenawalt (2005, p 84): "When various subjects of human concern – history, morality, literature, and science – are presented without reference to religion, the irresistible implication is that these subjects can be well understood on their own without being placed in a religious perspective".

institutions of choice, they can reflect a particular worldview without precipitating culture wars because it is easier for dissenters to go elsewhere than to fight" (p 123). They are also preferable from a democratic point of view, he argues, since they have the moral resources needed to combat "the anti-social values of mass youth culture, as conveyed in television, movies and popular music" (p 98). The picture that McConnell paints of (American) public schools is rather grim but may be accurate. I doubt, however, that the failure of these schools to teach children to become good citizens can be blamed on their aim of neutrality[217] rather than on a lack of funding, a curriculum which leaves little or no room for citizenship education and a narrow focus on rote learning and fact memorization. If public schools were to teach the robust form of citizenship education that I defended in Chapter 4, my guess is that children would be better equipped to critically reflect on "mass youth culture" and other matters. It is true that MCE does not promote any particular view of the good life, but this does not mean that the curriculum is "watered down" since children are encouraged to engage with different beliefs and values critically rather than to avoid them for the sake of neutrality. Finally, I would argue that schools can take a stand against "crass consumerism, materialism [and] nihilism" (McConnell 2002, p 133) without losing their neutrality, in so far as these values threaten (deliberative) democracy.

6.2.5. Protection against totalitarianism

Similar to the argument that school choice leads to better schools, this argument starts from the interest of citizens generally rather than from the interests of particular individuals or groups. The claim is that school choice provides a shield against totalitarianism, as it hinders the state from exercising complete control over its citizens through the educational system. Instead, the state should limit itself to financing schools and regulating them so that they uphold certain basic democratic values, but otherwise let them manage themselves and leave it to parents and children to choose which school the children attend. This argument can be found in John Stuart Mill's *On Liberty*. According to Mill (1859/2003), parents have a duty to educate their children, and the state should guarantee that they fulfil this duty. If the parents are unable to do so, then the state should pay for the education of their children, but without creating a public educa-

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[217] It should be noted, however, that these schools are based on a strict separation of church and state which I do not think is feasible or necessary (see section 3.6.).

tional system, Mill argues, since this would undermine individual liberty and pluralism:

> That the whole or any large part of the education of the people should be in State hands, I go as far as any one in deprecating. All that has been said of the importance of individuality of character, and diversity in opinions and modes of conduct, involves, as of the same unspeakable importance, diversity of education. A general State education is a mere contrivance for moulding people to be exactly like one another ... it establishes a despotism over the mind (p 167).

The same argument can be found in the writings of the classical liberal (or libertarian) philosopher and economist Friedrich Hayek. Like Mill, he acknowledges the need for a basic education for all children, but this does not mean "that compulsory education or even government-financed education today requires the educational institutions to be run by the government" (Hayek 1960, p 378). Instead, he suggests that the state should "leave the organization and management of education entirely to private efforts" (p 381). The reason for this has to do with the risk of totalitarianism:

> The very magnitude of power over men's minds that a highly centralized and government-dominated system of education places in the hands of the authorities ought to make one hesitate before adopting it too readily (...) In the field of education more than in any other, the greatest danger to freedom is likely to come from the development of psychological techniques which may soon give us far greater power than we ever had to shape men's minds deliberately (p 379-380).

A contemporary defender of this view is McConnell (2002, p 88), who argues for an "educational disestablishment" in which the role of the state is limited to "ensure that schools satisfy basic requirements of educational quality, and perhaps a minimal civic responsibility [and] provide funding to ensure that all children, poor as well as rich, have an adequate opportunity for education". According to McConnell, we do not know "what principles are best for democracy" and should therefore maintain a "pluralism of reasonable answers" (p 103). Furthermore, "[e]nlightened leaders will not always be at the helm. Behind a veil of ignorance where we do not know what philosophy of education those who control the school will hold, who would gamble on collective decision making?" (p 103). What, then, is one to make of this classical liberal/libertarian argument?

The strength of this argument partly depends on the historical context, I think. When Mill wrote *On Liberty*, the threat of authoritarian governments was very real, but it does not seem that contemporary democratic

welfare states are on the verge of an authoritarian/totalitarian take-over. According to Ronald Inglehart and Christian Welzel (2005), there is no historical example of democratic states becoming dictatorships after having reached a certain level of economic development. Moreover, few educational systems today are "highly centralized" and the psychological techniques, which Hayek fears could lead to a control over people's minds, have not yet materialized but rather seems like the product of an outdated theory of human behavior. Against McConnell, I would argue that we *do* know what principles are best for democracy – or what principles are central to democracy – and that it is on the basis of these principles that we criticize totalitarianism in the first place. Also, these principles (or as I have argued: the principle of reciprocity) should lead us to protect certain individual rights against majority abuse (see section 3.4.) and to implement a mandatory citizenship education which gives children the opportunity to learn the knowledge, skills and dispositions they need in order to participate meaningfully and *responsibly* (i.e. respecting other the primary rights of other persons) in the democratic process. If MCE is successful, it seems that the threat of totalitarianism is much reduced (assuming that military coups are unlikely in modern democratic states).

Still, I think there is some merit to the argument made by Mill and others. If, somehow, a despot should one day rise to power, then it would be preferable to have a fragmented and decentralized educational system so that he/she cannot quickly gain control over this system. In the long run, however, it seems to me a safer bet to improve the educational system – focusing on MCE – and to uphold a certain level of economic development than to create a system of school choice in order to protect democracy.

6.2.6. Active citizenship

Finally, it can be argued that school choice is part of a more active notion of citizenship which allows citizens to have a direct influence on matters that affect them personally. Zygmunt Bauman (2001), Anthony Giddens (1991) and other sociologists have noted that modern societies (at least in the West) are becoming increasingly individualistic and that traditional authorities and collective interests/concerns are losing their power and legitimacy. This trend can be seen in the decline of marriage and the rise of "pure" relationships which last only for as long as both parties are satisfied with the relationship, the decline of membership in political parties and the rise of single-issue advocacy through temporary networks and carnevalesque demonstrations, and the decline of life-long employments and the rise of temporary jobs. Similarly, Inglehart argues that there has been a change in people's values over the past fifty years, from materialist values

such as security and conformity to post-materialist values such as self-expression and life quality (Inglehart 1997, Inglehart & Wiesel 2005). He argues that this does not mean that individuals with post-materialist values do not care for security but rather that they take it for granted as a result of economic and social development (Inglehart 1997, p 35)[218]. Giddens (1998, p 36) connects these changes with "welfare institutions [which] have helped liberate individuals from some of the fixities of the past". Similarly, Henrik Berggren and Lars Trägårdh (2006) argue that the main goal of the Swedish welfare state was, and is, to free individuals from a forced dependency on other individuals, whether they be one's employer, one's parents or one's husband.

One does not have to accept this idea of individual liberation as the main goal of the welfare state in order to acknowledge that it has been one of its consequences. This in turn leads to an interesting paradox: individualization, which is (partly) a consequence of the welfare state, produces individuals who rebel against the centralized and bureaucratic character of the welfare state and who demand a more direct influence on matters that affect them personally, such as education and health care: "[r]ising self-expression values lead people to demand the institutions that allow them to act according to their own choices" (Inglehart & Welzel 2005, p 152)[219]. Personal choice is one of the most direct ways of exercising influence, since it makes it possible for individuals to "vote with their feet" rather than to engage in a time-consuming, uncertain and asymmetric dialogue with politicians and/or bureaucrats. According to Giddens (1998, p 37), the movement towards personal choice in the public sector cannot, and should not, be stopped; instead, what is needed is a new social contract, "a new balance between individual and collective responsibilities". Bo Rothstein (2002, p 33) argues that the demand for personal choice should be met, or else there is a risk that the welfare state loses its legitimacy and support, especially among highly educated citizens. He also thinks that it is possible to combine personal choice with ambitious welfare policies: "the growing demand for freedom of choice and self-determination among citizens does not necessarily signal an end for the politics of general welfare" (p 255, my translation).

There are other more pessimistic views of individualization, however. From a Foucauldian perspective, it can be seen as a deepening of the

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[218] This development may be reversed, leading to what Inglehart (1997, p 38-39) calls an "authority reflex" where individuals return to materialist values.

[219] Cf. Peters (2009, p 55): "The evidence derived from the first decades of the post-industrial society indicates that clients are increasingly unwilling to accept a passive and subordinated position vis-à-vis the public organization".

control over individuals, as outer control (fear of punishment) is replaced by an inner control (molding of desire, internalization of norms and formation of identities) (cf. Foucault 1979). From a left-wing/socialist perspective, it can be seen as a consequence of neo-liberal policies and beliefs[220], and/or as a way for society to avoid taking responsibility for disadvantaged individuals: "Risks and contradictions go on being socially produced; it is just the duty and the necessity of coping with them which is being individualized" (Bauman 2001, p 47). Also, not everyone can enjoy the luxury of becoming individualized: "the individualization race has restricted access and polarizes those with the credentials to enter" (Bauman 2005, p 25). These views are in turn criticized by those who see individualization as mainly a positive phenomenon. Inglehart and Welzel (2005, p 259) argue that self-expression values differ from egoism and that they lead to a general aversion against relations of dominance (including asymmetrical economic relations). They are also an important factor behind demands for democratization in authoritarian societies (Inglehart 1997).

I think that Inglehart and others are right in seeing the positive potential of individualization and it seems to me reasonable to introduce elements of personal choice in welfare systems in response to increasing levels of education and competence among citizens, providing that the equality of these systems is upheld (which may motivate special resources for disadvantaged individuals). On the other hand, there is another side to active citizenship which is being ignored by those who celebrate personal choice: the possibility of deliberating on different issues together with other citizens and with political representatives. In certain situations, there may be a conflict between these two notions of active citizenship and it is not obvious which of them should have priority. But, more fundamentally, it is doubtful if the notion of active citizenship can be used as an argument for school choice since it presupposes – at least for younger children – that parents have a right to choose for their children. It is one thing to say that adult citizens should have the possibility of choosing their own doctor, and another thing to say that they should have the right to choose which school their children attend, in so far as the interests of children cannot be reduced to the interests of their parents. Thus, the argument from active citizenship/individualization – if successful – applies only to elder children/adolescents who are capable of making their own informed choices about which school to attend.

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[220] For example, is the rise of temporary jobs an answer to the wishes of individuals or the consequence of a deregulated economy and labor market?

6.3. Why not school choice?

6.3.1. Education as a public good

Let me now discuss an argument against school choice which claims that it turns education into a private good, when transferring the decision-making power over education from the parliamentary level to individual parents and children. Tomas Englund (2010, p 251) describes this as

> a move away from a view of what could be called public education systems related to '*strong* democracy', where every future citizen is 'invited' to participate in deciding what kind of society they want to live in, towards what might be called a '*thin* democracy', involving parental choice and individually based decisions about schools.

He argues that this will lead to a neglect of the democratic purposes of education (as well as of its role in compensating for social/economic inequalities) and that parents and citizens generally will come to see education as simply a means for parents to pass on certain beliefs and values to their children and/or to ensure that their children will succeed in competing for jobs and status (Englund 2009, p 25; 2010, p 246). Similarly, Gert Biesta (2004, p 239) claims that choice policies generally undermine "the sphere of the political itself" when depoliticizing issues of common concern and moving them to the sphere of private individuals: "[Choice] is about the behavior of consumers in a market where their aim is to satisfy their needs; it should not be conflated with democracy, which is about public deliberation and contestation regarding the common good" (p 237).

There are two different – but related – issues at stake here. First, there is the claim that individual choice *as such* is un-democratic (or only "weakly" democratic). Second, there is the claim that school choice may lead to a neglect of the democratic purposes of education. I disagree with the first claim but agree with the latter. The first claim depends, or so it seems to me, on an overly strict separation between "public" and "private". I have already argued in section 6.2.6. that individual choice can be seen as part of a more active role for democratic citizens giving them a direct influence on matters which affect them personally (cf. Feinberg & Lubienski 2008, p 4). There is nothing intrinsically undemocratic about this transfer of decision-making power from the parliamentary level to individuals as long as it is decided by a democratic majority, is reversible (at least in principle) and does not threaten the primary rights of individuals (including the right to MCE, and basic equality). Neither does it automatically turn education into a private good, providing that MCE – and

thus the public good[221] – can be upheld through state regulations and control. The demand for "a public education system that stands above all private concerns" (Englund 2010, p 240) seems to me both unrealistic and unnecessary. Parents and cultural groups have an interest in the education of "their" children, not only as democratic citizens but also as individuals with their own "private" concerns. This does not necessarily mean, however, that they should be given the right to choose which school "their" children attend.

The second claim is more convincing, I think. It relies on an empirical hypothesis about how school choice will lead parents, children and citizens in general to neglect the democratic purposes of education and instead see education as merely a means for private success and/or the reproduction of certain ("private") beliefs and values. According to Stephen Ball (2008, p 46), who has studied school choice systems empirically, such systems constitute "a transformational force that carries and disseminates its own values", in particular the values of consumerism. Similarly, Geoff Whitty (2002, p 97) argues that the "marketisation of education" leads to a change in values, from community and equality to individualism, consumerism and competition. Mattias Johnsson and Joakim Lindgren (2010, p 185) have studied information material provided by schools to parents and children (in brochures, on websites etc.) and suggest that this material may cause parents and children to think of education as a commodity. They also see tendencies to individualism in the material, when parents and children are adressed as private individuals rather than as democratic citizens or members of certain groups, and conclude that "[t]he transformations that the material brings with it are subtle, yet profound, long-term, and may prove difficult to stop once in motion" (p 185). If this is true, then there are reasons for thinking that school choice will change how citizens view the purposes of education, which in turn may have negative effects on citizenship education, in so far as it provides schools and politicians with little incentives to take MCE seriously. It can be questioned, however, if citizens have ever cared much for the democratic purposes of schooling, even before the introduction of school choice policies. One must not compare actually existing school choice systems with an idealized version of a system without choice. Furthermore, there are different ways of organizing school choice and there may be ways to diminish the effects that Ball and others have found, for example by regulating the marketing behavior of schools. Nevertheless, I find the argument of this section quite con-

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[221] Assuming that the public good does not involve a common culture and/or a common view of the good life in a pluralist society.

vincing, if focused on the effects of school choice on how citizens view the purposes of education.

6.3.2. The school as a meeting place

Perhaps the most common critique of school choice is that it leads to segregation of various kinds (socio-economic, cultural, political, and so on). This critique is often tied to notions of social justice, which lies beyond the scope of this chapter (see footnote 203), and I will focus instead on the effects of segregation in relation to MCE. In Chapter 4, I argued that children should learn about beliefs and values different from their own and to respect persons who believe differently than they do. In theory, such learning could be the outcome of indirect encounters with different beliefs, values and lifestyles through books and movies, but in practice it seems that children will only learn to respect others if they actually meet and interact with them in person, in a constructive and respectful way[222]. As Kymlicka (2001, p 316-317) points out: "citizenship education is not simply a matter of knowledge of political institutions and constitutional principles. It is also a matter of how we think about and behave towards others, particularly those who differ from us in their race, religion, class, and so on". It would therefore be problematic, he argues, if children were segregated on the basis of religion, for example:

> It is not enough simply to tell students that the majority of the people in the world do not share their religion. So long as one is surrounded by people who share one's faith, one may still succumb to the temptation to think that everyone who rejects one's religion is somehow illogical or depraved (p 304)[223].

Instead, what is needed is "a presence within a classroom of people with varying ethnocultural and religious backgrounds" (p 304, cf. Englund 2010). Similarly, Meira Levison (2002, p 114) argues that "toleration and mutual respect can best be acquired only by interacting with others in a setting that is itself challenging, heterogeneous, and mutually respectful".

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[222] Cf. Merry (2007, p 137): "Mere exposure to difference does not a tolerant person make. Conflict and phobias may actually increase if the school fails to provide the ethos necessary to foster tolerance and mutual respect".

[223] The need for pluralism in the classroom can be defended also from the interest of religious children and their parents: "in contemporary liberal democratic societies, the members of any single religion often constitute a small minority, so it will frequently be more important to focus on the extent to which a religious believer will be tolerated than the extent to which he will be tolerant" (MacMullen 2007, p 39).

The importance of encounters between persons with different beliefs and values is affirmed by empirical research on how to reduce prejudice/stereotyping and negative attitudes between individuals who belong to different groups of various kinds. In a meta-study of more than five hundred sociological and psychological experiments, Thomas Pettigrew and Linda Tropp (2006) conclude that prejudice/stereotyping and negative attitudes are significantly and permanently reduced when individuals with different backgrounds interact under optimal conditions, i.e. when they share a common goal, do not compete with each other and meet during a certain period of time. This leads them to defend the need for societal institutions where individuals with different backgrounds interact under conditions which are as close to optimal as possible. A similar conclusion can be drawn from a quantitative study on the effect of ethnic diversity on interpersonal trust (Stolle, Soroka & Johnston 2008). According to these authors, the effect is generally negative (controlling for other factors), except on those individuals who regularly interact with people different from themselves. This is not simply a matter of reverse causation – so that those who have high trust are those who interact with diverse others – but interaction leads to higher trust. They end their paper by pointing out that "diversity is a challenge to trust only when it is not accompanied by enough social interactions" (p 68). Toshio Yamagishi (2001) also starts from the theory of social capital and argues that "socially intelligent" persons are more trusting than "gullible" persons – contrary to popular belief – since they are able to find out if other persons are trustworthy or not, and can therefore allow themselves to enter into more risky interactions. This in turn increases their social intelligence and trust, while persons with less social intelligence are stuck in a "vicious circle of distrust and lack of social intelligence" (p 124). Rothstein (2005, p 99) suggests that this means "that if we want to 'invest' in social capital, we should create conditions that ensure that [people] will, early in their lives, interact frequently with people who are not of the 'same kind' as they".

Finally, Cass Sunstein (2002, 2003) has argued – on the basis of various sociological and psychological experiments – that deliberation will not increase rationality and social harmony if it is conducted by persons who share the same beliefs and values but will instead radicalize the opinions of these persons and lead to polarization between different groups[224]. These

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[224] An obvious critique of this thesis is that deliberation between like-minded persons – where dissenters are excluded – cannot count as deliberation in the first place. This is a purely semantical issue, however, and does not undermine Sunstein's larger argument.

negative effects are reinforced by modern information technology, which makes it possible for individuals to isolate themselves from mainstream society and shut out any view points with which they disagree: "When the power to filter is unlimited, people can decide, in advance and with perfect accuracy, what they will and will not encounter. They can design something very much like a communication universe of their own choosing" (2002, p 5). For example, streaming services of movies and TV-shows on the Internet allow users to create their own tableaus, and online news can be filtered according to interests and viewpoints, while online advertisement and shopping recommendations are increasingly tailored to match personal preferences. Add to this the possibility of shopping, gathering information and contacting public authorities online, without ever leaving one's home, and Sunstein's fear of a societal disintegration into polarized and radicalized enclaves of like-minded persons seems justified.

To conclude, then, meetings across cultural, religious and political barriers are vitally important in a democratic society but are under threat from various kinds of segregation and from modern information technology. One way of improving the situation would be to combat the social and economic inequalities in society, thereby lessening residential and occupational segregation. Still, such policies (while important) would not help against the kinds of segregation which are voluntary/self-chosen. What is needed, rather, is a place where citizens from different backgrounds meet and interact in a respectful way, which is mandatory for everyone to attend. According to Englund (2010, p 242), "public schools are especially qualified to promote pluralism in the specific sense that different groups and cultures can encounter each other there". Instead of an "organized pluralism", where there is a diversity of internally homogenous schools, he argues for an "encounter pluralism", where there is diversity within the framework of public schools (p 242, 251). Hence, the school's role as a meeting place can be used to criticize a system of school choice. One obvious problem with this critique is that actually existing public schools often lack internal diversity, in so far as they segregate children along geographical lines, which in turn overlap with social and cultural differences. It is also doubtful if these schools are generally characterized by an atmosphere of mutual respect. On the other hand, it seems that these problems can be solved – by policies taking aim at social and economic inequalities and reforming public schools – while school choice, if motivated by pluralist concerns, has segregation built into its foundations (i.e. the purpose is to provide parents and children with the option of choosing a school with a specific profile, including religious, cultural and perhaps also political such profiles).

It is difficult to argue against this conclusion based on empirical studies of school choice systems. These studies are often inconclusive – for example,

there are studies showing that the Swedish school choice system has led to increased segregation (Skolverket 2009) but also that the effects have been marginal (Lindbom 2010)[225] – and they usually measure socio-economic segregation rather than religious, cultural and/or political segregation. But if the purpose of school choice is to provide parents and children with the option of choosing between schools with different profiles, then segregation seems to be an inherent (and perhaps even valued) feature of school choice.

Defenders of school choice can reply to this critique in at least three ways. Firstly, they can agree that certain kinds of school choice systems have segregation built into their foundations and argue for restricting choice to schools without a specific religious, cultural and/or political profile, i.e. a limited version of school choice. Secondly, they can argue that segregation will be limited, since very few parents and children will choose a school with a specific religious, cultural and/or political profile, and that the negative effects for a democratic society are therefore very small. Thirdly, they can question the need for meetings across cultural, religious and political barriers in a democratic society. Since I think that it is vitally important that children meet and deliberate with those who are different from themselves (see section 4.3.) – and for reasons stated earlier in this section – I consider the third reply to be inadequate. It may be that children can learn some of the knowledge and skills needed for democratic citizenship in a homogenous environment, but there is a risk that they will be unready and/or unwilling to deliberate with persons who differ from themselves and that they will come to embrace (at best) a narrow ideal of tolerance rather than of active inclusion (see section 4.3.1.)[226]. The first reply seems to me more successful but would lead to a rather limited system of school choice which may not satisfy the wishes of most school choice advocates. The second reply depends on empirical evidence which is – as of yet – lacking, and it remains to be seen how popular schools with specific religious, cultural and/or political profiles will prove to be in mature school

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[225] There have also been studies of European school choice systems that show small and positive effects on segregation (Wolf & Macedo 2004), and of school choice in England and Wales that show no significant long-term effects (Gorard, Taylor & Fitz 2003).

[226] One can imagine a positive version of this argument saying that citizenship education benefits from a homogenous environment (see for example Dahlin 2007). This argument depends on a negative view of public schools – as necessarily disrespectful, especially towards minority children – which I think is unjustified, and/or on a psychological theory which lacks empirical evidence (see the discussion of children's well-being in section 6.2.3.). In any case, it is likely to be relevant only for the first few years of schooling.

choice systems. Also, it should be remembered that MCE is a primary right which follows from the interests of the child himself/herself, and not just from the interests of citizens generally, and thus it would be problematic if particular children are denied the knowledge and skills they need as democratic citizens, even if society as a whole can manage without every single child learning such knowledge and skills (see section 4.2.).

6.3.3. The democratic character of schools

In this section I will discuss the potential effects of school choice on the democratic character of schools, a category in which I include both content (knowledge, values, principles) and teaching methods. I will begin by focusing on situations where this character is *directly* undermined, i.e. where schools actively oppose MCE in their teaching, and then proceed to situations where it may be *indirectly* undermined, for example as a consequence of the institutional/organizational logic/values associated with school choice systems.

Some years ago, the State television in Sweden showed a documentary in which reporters infiltrated religious schools and secretly filmed as children were forced to recite holy texts and were physically punished. Unsurprisingly, the documentary led to a public outcry and to demands of better control or banning of religious (especially Islamic) schools. One year later, Skolverket (the Swedish National Agency for Education) published a report based on surprise visits, surveys of and interviews with students, teachers and other personnel (including people who no longer worked for the school in question) in religious schools, which found no indications of mistreatment of students or a one-sided and/or anti-democratic education (Skolverket 2004). To my knowledge, there has been little or no research done on this topic, perhaps because of the ethical issues involved. According to Jenny Berglund (2009, p 28-29), there is also a general lack of studies on what happens in religious schools.

One exception to this is Walter Feinberg's *For Goodness Sake* (2006), which combines ethnographical descriptions of various religious schools with interviews and philosophical reflections. The issue of anti-democratic teaching is raised in a situation where Feinberg witnesses a teacher in a Catholic school talking to his class about the relation between "eternal law" and "civil law" who says: "Legislators ought to be instructed by eternal law ... If we don't agree that there is natural law, then laws are someone arbitrarily imposing their laws on me. In order to have a good society, civil law needs to reflect eternal law" (p 56). According to Feinberg, the teacher "promotes a theocratic conception of civil law" (p 56) when claiming that legislators should affirm the official doctrine of the Catholic Church. It also seems that

he denies the fact of reasonable pluralism when portraying non-Catholic political positions as unreasonable/immoral ("someone arbitrarily imposing their laws on me") and the Catholic one as indisputable: "The impression that students are left with is that there is a correct answer to these issues and that it is the job of the civil society to conform to this answer" (p 56). The problem, in my view, is not the teacher's claim that Catholicism has the correct answer (since MCE does not advocate relativism, see section 4.3.4.) – as long as children are also encouraged to critically reflect on this claim – but rather that the (potential) reasonableness of other positions is denied. Such denial is incompatible with MCE and cannot be part of a democratic education. If Feinberg's observation is typical for religious schools generally, then they should either be reformed or be banned (I will return to this issue in section 6.4.)[227]. Of course, this demand applies to all kinds of schools, religious or not; it would not be admissible, for example, to have teachers promoting fascism, or suggesting that everyone who is not a liberal is either stupid or immoral.

Another – less radical, but direct – way in which school choice could undermine the democratic character of schools is if parents and children had a preference for schools with traditional, authoritarian teaching methods, where little or no room is left for critical thinking and deliberation. The empirical evidence, however, does not indicate that this is the case (Woods, Bagley & Glatter 1998, p 166-168; Foskett & Hemsley-Brown 2001, p 67-69; Damgren 2002)[228]. What can be observed, rather, is that schools try to attract parents and children with a mixture of progressive ideals and symbolic traditionalism; the latter involving such things as school uniforms, tidy appearances, regular assemblies and the like (Woods, Bagley & Glatter 1998, p 31-33, 167; Gewirtz, Ball & Bowe 1995, p 137; Johnsson & Lindgren 2010, p 184). As long as the traditionalism in question is primarily of a symbolic kind, it does not seem to be incompatible with the demands of MCE.

Let me now proceed to discuss situations where MCE may be indirectly, rather than directly, undermined as a result of school choice. I have already quoted Stephen Ball (2008, p 46), who argues that school choice

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[227] A different view point is provided by McConnell (2002, p 133), who argues that religious schools are better at promoting democratic principles and values than public schools, in so far as they "provide a coherent moral vision" and can "combat the materialistic hedonism of our age". I have already addressed this argument in section 6.2.4. and will not repeat the discussion here.

[228] The preferences of parents and children are likely to differ between different societies and also within a society over time. This contextual factor will be important in my evaluation of the different arguments in section 6.4.

systems can be seen as constituting "a transformational force that carries and disseminates its own values", in particular the values of consumerism and individualism. Not only does this threaten MCE in the long run (see section 6.3.1.), but it could also undermine MCE in the shorter run. As Philip Woods et al point out: "The social and political characteristics of markets frame and inform the actions of individuals, groups and organizations as they engage with market-like contexts. This interactive process of organizational and human agency affects the sorts of outcomes which public sector markets, including education markets, generate" (Woods, Bagley & Glatter 1998, p 135). To be sure, the school choice systems discussed in this chapter differ from "pure" markets in so far as the state pays for the education of all children and regulates schools[229] – but even so, they share many features of such markets, for example competition between different actors. It is therefore relevant to ask how a situation of competition between schools striving to attract parents and children could affect the content and teaching methods of these schools, especially in relation to MCE. One could also wonder about the effects on the content and teaching methods – and the general "ethos" of schools – when private actors are allowed to start and run schools.

Starting with the first issue, it has been claimed that competition leads to an increased focus on image at the expense of content (see for example Gewirtz, Ball & Bowe 1995, p 175; Woods, Bagley & Glatter 1998, p 25-26; Ball 2008, p 49). In the words of a teacher, interviewed by Woods et al: "the pressure is there to present a good face, whatever the reality, the appearance has got to be good" (Woods, Bagley & Glatter 1998, p 23). One sign of this is the large amount of energy spent on "image management", including the creation of logos and mottos/slogans, production of glossy leaflets, design of school buildings and introduction of dress codes (Gewirtz, Ball & Bowe 1995, p 127; Woods, Bagley & Glatter 1998, p 25-26; Johnsson & Lindgren 2010). More problematic, perhaps, is the tendency to "adopt superficial and short-term solutions to problems even when, in the longer term, such strategies may be socially and educationally unhelpful or even counterproductive" (Gewirtz, Ball & Bowe 1995, p). For example, some schools have a policy of banishing "difficult" children instead of caring for them, in order to save money, improve examination results and appear "tough"/ambitious in the eyes of the public (Ball 2006, p 84-85). The concern about image may also lead schools to silence internal dissent and criticism rather than to deal openly and productively with it (Johansson 2003, p

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[229] Rather, they are examples of so-called "quasi-markets" (Le Grand & Bartlett 1993).

201). Finally, even when schools are focusing on the content rather than on their image, there is a tendency that the content is reduced to what is quantifiable and can be measured by standardized tests: "In general, schools are drawing more attention to those 'overt symbols' which denote academicism, performance and discipline. There is therefore an emphasis on examination results ..." (Gewirtz, Ball & Bowe 1995, p 138). Cf. Woods et al: "The sharpening of academic focus manifests itself as a reinforced concern and commitment to maximize achievement in public examinations" (Woods, Bagley & Glatter 1998, p 162). It seems that parents are concerned about examination results partly because of an overarching interest in making sure that their children are equipped with the knowledge and skills they need to compete for jobs and status in the future. As a middle-class mother, interviewed by Woods et al (p 128), puts it: "I suppose you're talking about exam results at the end of the day, which is what any employer or university or anyone else is talking about". The importance of examination results is further reinforced by a general neo-liberal trend in contemporary democratic societies to model the public sector after the corporate sector, and to create systems for increasing accountability and economic effectiveness by measuring the outputs of public organizations (Woods, Bagley & Glatter 1998, p 162; Ball 2008). Also, school choice systems as such create the need for a standardized way of measuring results, in order to provide parents and children with the information they need to make informed choices and politicians with the information they need to control the performance of schools (Lundahl 2009, p 205-206).

What, then, are the potential consequences of all this for MCE? It seems that the focus on image rather than on content may be especially problematic for MCE, in so far as a deliberative pedagogy is a form of teaching which is demanding and costly; if schools shift their spending from teaching to marketing/promotion, then there is a risk that deliberative pedagogy is replaced by less demanding and costly teaching methods such as lecturing. The kind of policies which Ball and others identify, whereby schools deal with "difficult" children by banishing them, and with conflicts by silencing them, are also problematic; such policies would undermine the climate of mutual respect and critical openness which is needed for MCE. Furthermore, the focus on examination results and vocational skills/merits may lead to a neglect of the need for "deeper" knowledge/understanding, critical reflection and deliberation – central parts of MCE which are difficult to quantify and measure in any precise/objective way, and which may not always overlap with the knowledge and skills needed for success on the labor market. According to John Willis (2007), social science is increasingly being "squeezed" from the elementary curriculum in American schools,

as a result of standardized testing[230]. Such a development is clearly incompatible with the demands of MCE and must be addressed by law-makers. Before discussing this issue further, however, I will briefly investigate the potential effects on the content, teaching methods and general ethos of schools when private actors are allowed to start and run schools.

The effects of private actors can occur on many different levels. On the surface, some schools are re-designed to look like multinational corporations: "The long-level reception desk is run by business-dressed young women, visitors wait while sitting on expensive-looking sofas amid potted plants and displays by local artists ..." (Gewirtz, Ball & Bowe 1995, p 127). Also, as we have seen, they tend to create logos, slogans and the like. On a somewhat deeper level, languages and identities may change, so that parents and children are labeled as "customers" (p 127), while teachers start to see themselves as "entrepreneurs" rather than as traditional public sector workers with a professional code of ethics. These changes may seem minor but could have far-reaching consequences. Ball (2006, p 92) argues that "the lexicon of values" is being replaced by "the lexicon of expediency, pragmatics and financial necessity", which can be exemplified by the already mentioned situation of children who are banished from their school. In this "new moral environment" there is an increased "orientation towards the internal well-being of the institution and its members and a shift away from concern with more general social and educational issues ..." (Ball 2008, p 45, italics removed). There is also a risk that private actors will behave in unethical and even illegal ways, for example by hiding information from regulators or trying to bribe them (Agevall 2005, p 139). As for the content of education, one can imagine that there is less willingness – and/or readiness/ability – to critically examine the present economic system since the schools (as private actors) themselves benefit from this system. Why should a corporate school, for example, be expected to teach their students to think critically about the behavior of corporations (including the school itself)?

Let me evaluate these arguments in turn before coming to a conclusion. I do not think that the first argument – that MCE will be directly undermined by school choice – is very strong. The state should not allow groups who actively oppose democratic principles and values to start and run their own schools in the first place, and it may use all of the tools at its disposal for regulating and controlling schools to ensure that their teaching

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[230] Cf. Gewirtz et al: "What we appear to be seeing is an effective narrowing of scope in the role and purposes of schooling" (Gewirtz, Ball & Bowe 1995, p 174).

conforms to the demands of MCE (more on this will be said in section 6.4.). If these tools should prove insufficient, there is always the option of limiting school choice to schools without a particular religious, cultural and/or political profile. In comparison, the second argument – that MCE will be indirectly undermined by school choice – is stronger, I think, especially when it comes to standardized testing and parental preferences. How schools spend their money, how they treat children, how they market themselves and what values they promote in the classroom – all these can be regulated, even if it may sometimes be difficult to enforce the regulations in practice. It is more difficult to combat the negative consequences of an increased focus on examination results and narrow vocational knowledge and skills, for at least two reasons. Firstly, school choice systems demand some standardized way of measuring results, as previously shown. Secondly, examination results tend to function as a "widely accepted currency of good schooling" (Woods, Bagley & Glatter 1998, p 162) among parents, children and school managers. This can be seen in the political debate in many countries, where politicians increasingly refer to international comparisons of examination results (for example PISA scores) when criticizing or defending various policies, and where the "fast" language of supposedly objective facts is considered more legitimate than the "slow" language of didactics and qualitative educational research (Lundahl 2009, p 200-208). Politicians also have little or no incentives to try and nuance the discussion since this "would be deemed as 'going soft on standards' and would be leapt upon as such by their opposition" (Green 2005, p 171).

To be sure, the narrow view on education found among many citizens and politicians would have negative consequences also in a system without school choice, in so far as the content of schools is ultimately decided by the people through their representatives. But these consequences may be amplified in a system of school choice, since they allow parents and children to exercise their influence directly instead of mediating it through channels of rational debate and professional input. Also, many privately run schools promote a narrow view on education through their marketing campaigns (Woods, Bagley & Glatter 1998, p 162-163). Against this, it can be claimed that standardized testing is not inherently opposed to the demands of MCE; perhaps one can construct tests which measure "deeper" knowledge/understanding, critical reflection and even deliberation. I will return to this issue in section 6.4. For now, my conclusion is that school choice may have negative effects on the democratic character of schools, at least in societies where the democratic purposes of education is being neglected by a majority of politicians and citizens.

6.3.4. Children's rights to develop personal autonomy

In Chapter 5, I argued that children should be given a right to develop personal autonomy, i.e. a disposition and capacity for critically reflecting on their beliefs, values and desires. I also argued that personal autonomy is compatible with many different views of the good life; autonomous persons may choose to lead lives where lasting commitments and loyalty to tradition are central without thereby losing their autonomy, as long as they have the opportunity for critical reflection (and periodically use it). What, then, is the relation between this right and school choice? According to Meira Levinson (2002, p 58), the relation is negative:

> If we take the requirements of autonomy seriously, we see the need for a place separate from the environment in which children are raised, for a community that is defined not by the values and commitments of the child's home, whatever they happen to be, but by the norms of critical inquiry, reason, and sympathetic reflection. This community is the liberal school, and its achievement and provision to all children is the duty of the liberal state.

The assumption here is that the home environment of children is not characterized by norms of critical inquiry but by values and commitments associated with a particular belief system held in an uncritical way. Sometimes Levinson formulates the argument as a conflict between the neutrality of public (or liberal) schools and the "inevitably partial values, beliefs, and commitments of children's families and home communities" (p 62). I do not find this terminology helpful – since I do not believe in a neutral state but rather in a state based on an overlapping consensus among reasonable persons who differ in their moral, religious and philosophical beliefs – and it seems to me that Levinson neglects those home environments where children are taught to think for themselves, rather than to blindly follow their parents. Nevertheless, I think that she is correct in seeing a potential conflict between children's right to autonomy and schools which simply reinforce the beliefs and values found in children's home environments, especially if these are of a traditional and/or non-critical kind. The paramount example here is religious schools[231]. According to Roger Marples (2005, p 139), "it is unrealistic to suppose that all faith schools would attach priority to ensuring that pupils are encouraged to critically reflect on their religious beliefs"; instead, their priority is to inculcate the "correct" beliefs in children.

From a diametrically opposed perspective, it has been argued that religious schools promote the personal autonomy of children. Firstly, they

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[231] Although the same concern applies to non-religious schools, as we shall see.

provide children with strong beliefs which are necessary for critical reflection to be meaningful:

> The greatest threat to children in modern liberal societies is not that they will believe in something too deeply, but that they will believe in nothing very deeply at all. Even to achieve the kind of free self-reflection that many liberals prize, it is better to begin by believing something. Rational deliberation among ways of life is far more meaningful if ... the stakes are meaningful, that is, if the deliberator has strong convictions against which competing claims can be weighed (Galston 1991, p 255).

Secondly, they provide children with "a steadfastness of character, strength of resolve and the commitment to act on one's choices" (Archard 2003, p 140-141), all of which are necessary for autonomous persons. Thirdly, they can act as a countervailing force against the consumerism and hedonism of mainstream society, which undermines the personal autonomy of children by appealing to their emotions and encouraging them to act "on impulse rather than on the basis of stable preferences and long-term interests" (Schinkel, de Ruyter & Steutel 2010, p 280; cf. Galston 2002, p 105-106). Finally, there is a more negative argument in favor of religious schools, which suggests that they – at least – do not undermine the personal autonomy of children, since it is impossible to isolate children from the pluralism of views and life-styles which characterize liberal societies (Galston 1991, p 255; 2002, p 106).

What should one make of these arguments? Starting with the critique of school choice, I think that the worry about religious schools is largely justified. It is important to note, however, that the same worry applies to any school in which a determinate worldview – religious or secular – is promoted. As Robert Jackson (2004, p 54) points out: "The voluntariness of children's responses and judgements can be limited as much by their encountering teachers with anti-religious views and school policies which assume a secularist view of religion or are insensitive to families from religious backgrounds as by encounters with teachers holding religious views". Also, some schools – for example those that are exclusively concerned with narrow vocational knowledge and skills – may undermine children's autonomy simply by neglecting the importance of critical reflection, without being committed to any particular view of the good life. It seems to me that the issues of autonomy-promotion and MCE overlap here (see section 5.4.) and that the solution is again to deny certain schools the right to start in the first place and to regulate and control those schools that are approved.

When it comes to the arguments in favor of school choice and religious schools, I am more skeptical. It is probably true that children must have some determinate beliefs for critical reflection to be meaningful; if they are nihilists, or radical relativists, then critical reflection seems quite pointless (why bother when every answer is equally good/bad?). But most children are not nihilists or radical relativists, and I do not see why someone who holds determinate, if provisionary, beliefs should be any less interested in critical reflection than those who are strongly committed to their beliefs. Furthermore, if strong beliefs can lead a person to invest a great deal of energy in critical reflection (perhaps out of anxiety), it can also lead him/her to avoid and ignore contrary view points, and/or to prematurely dismiss them. Thus, such beliefs are not necessary for, or always compatible with, critical reflection. The second and the third argument can be treated together: the idea is that a consumer society undermines the personal autonomy of individuals since it transforms them into automatons who act on every impulse and who cannot commit themselves to any long-term goals or higher principles, and that religious schools – unlike public schools – can protect children from these harmful influences. I agree with the first part of the argument – consumerism poses a threat to personal autonomy[232] – but disagree with the second part: public schools can and should take a stand against consumerism (see section 6.2.4.) and it is not obvious that religious schools are better in this respect. Again, there is a tendency to compare an idealized version of private (in this case religious) schools with a non-idealized (or even demonized) version of public schools. Ironically, the negative argument seems to contradict this third argument, when claiming that children will become autonomous simply by living in a liberal society, regardless of what school they attend. But what if this exposure to pluralism amounts to little more than learning consumerism (Callan 2002, p 135)? What is needed, in addition to exposure to pluralism, is the capacity to "respond to [it] in an autonomous fashion" (Levinson 2002, p 72; cf. Brighouse 2000, p 109), i.e. being willing and able to critically reflect on the various beliefs and values one is exposed to. Such a disposition and capacity does not arise automatically but must be learned and encouraged, preferably in school.

To conclude, I do not find this argument very convincing if it is based on the fear of indoctrination. It seems to me that regulations and inspections (and other means of control) are sufficient to guard against schools actively manipulating and/or coercing children into accepting certain beliefs and values. The argument is stronger if it is based on the risk of

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[232] Not only because it weakens the will, but also because it undermines critical reflection (which I focus on in Chapter 5).

segregation between internally homogenous schools; while critical reflection can occur from within particular traditions and in groups sharing similar beliefs and values (Archard 2004, p 95) – especially when they exist within a larger society marked by pluralism[233] – it is likely to be undermined if there are no critical dissenters in the classroom who can protest if the teacher or other children treat non-majority beliefs and values as "mere cannon fodder" (MacMullen 2007, p 173). Thus, the strength of the argument is partly dependent on the consequences of actual school choice systems, and whether schools with different cultural, religious and/or political profiles are allowed or not.

6.4. Conclusion

Looking back at the arguments in this chapter, it seems that school choice is problematic, especially if it includes schools with different cultural, religious and/or political profiles. I have found the arguments in favor of it to be flawed (better schools, parental rights, compatibility with pluralism), weak (cultural rights, protection against totalitarianism, active citizenship) and/or as applying only to members of minority cultures (cultural rights) or adolescents (active citizenship). In contrast, I have found the arguments against it – the effects on how citizens view the purposes of education, the importance of the school as a meeting place, the effects on the democratic character of schools and children's rights to develop personal autonomy – to be rather strong. These arguments are conditional in the sense that they apply to school choice systems of a particular kind – namely those that include actors with a narrow view of education, and where choice leads to internally homogenous schools with different cultural, religious and/or political profiles. Unfortunately, this category seems to include most (or even all) existing such systems in the world. What, then, would an alternative system look like – one that is compatible with the demands of MCE and children's rights to develop personal autonomy? Is it even possible to design such a system?

To begin with, the state must clearly exercise control over which schools are allowed to operate. Schools actively promoting beliefs and values, or using teaching methods, which are incompatible with the demands of MCE and the rights of children to develop personal autonomy – thus violating the primary rights of all citizens and the secondary rights of many of them – should not be allowed. This should be rather uncontroversial and is in line with how actually existing school choice systems are regulated, for

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[233] Although mere exposure to pluralism is insufficient for the development of personal autonomy, as we have seen.

example in Sweden. To ensure that there are no such schools, politicians have many different means at their disposal: designing a national curriculum, inspecting schools through surprise and undercover visits, interviews, surveys etc., centralizing teacher education and demanding that all teachers have participated in it, inspecting textbooks and tests and so forth. These means are sufficient to guard against schools directly undermining MCE and children's rights to develop personal autonomy, I think. A greater challenge is to avoid segregation and a view of education in which rote learning, memorization and narrow vocational knowledge and skills dominate over "deeper" knowledge/understanding, critical thinking and deliberation. While socio-economic segregation can perhaps be addressed through quotas and progressive voucher schemes (see Brighouse 2008, p 54), religious, cultural and/or political segregation seems to be an inherent feature of school choice systems, especially when motivated by pluralist concerns. I do not believe that a minor level of such segregation is very problematic, but the question is where to draw the line and how to guarantee that segregation stays within acceptable limits. A simple solution would be to design a school choice system without schools with different cultural, religious and/or political profiles; i.e. a system where schools differentiate themselves based on pedagogical method and location. This would mean, however, that one of the two arguments for school choice disappears, namely the argument based on cultural rights. A less simple, and less radical, solution is to introduce quotas, so that all schools are obliged to accept a certain mixture of children, and perhaps also of teachers.

As for the issue of how to avoid the dominance of rote learning, memorization and narrow vocational knowledge, it seems to me imperative to lessen the importance of standardized testing and to make such tests more focused on holistic understanding and complex skills, including critical thinking, than on the simple recall of factual knowledge[234]. It would also be useful to have procedures for evaluating children's deliberative competences and their opportunities to deliberate on various matters in the classroom (see Fritzell 2003, Roth 2008). Furthermore, the state could develop a centralized source of information for parents and children to guide their choices – in brochures, and/or on a website, containing useful information about the various schools[235] – thereby diminishing the role of marketing in school choice systems. It would also be advisable to give educational researchers, teachers and other professionals a prominent role in

[234] For interesting reform proposals, see Lunddahl 2009 and Yeh 2001.

[235] For example, information about the owners and the teachers, teaching methods, guiding philosophies, results from inspections, class sizes etc.

developing this information, and in the public debate generally, for example by supporting popularized versions of educational research and arenas where professionals can meet and interact with the public. Hopefully, over time the public debate would become less preoccupied with examination results and the vocational side of education.

If these measures should prove ineffective, then it seems the only option is to abolish school choice, or to limit it to schools with different pedagogical methods and locations as mentioned above. Still, as the discussions in this chapter show, public schools are not without problems. If they are to be compatible with the fact of reasonable pluralism, they must be reformed so that they do not implicitly promote secularism, for example, or the dominant culture(s) in society (see section 4.3.). In the end, I do not think that the compatibility of school choice and MCE and children's rights to develop personal autonomy can be decided in the abstract; rather, the answer will depend on historical, geographical and political circumstances and on how the system is designed and implemented (Page Johnson & Strike 2010)[236]. For example, school choice would be much less problematic in a society where politicians and citizens generally put a high value on deeper understanding, critical thinking and deliberation.

Finally, I shall say something about schools which are privately financed and unregulated, or only lightly regulated by the state, and home-schooling, which can be seen as alternatives to a system of school choice. I do not think that privately financed schools – if they are allowed to exist[237] – should be treated any differently than privately run schools financed by the state, since the primary and secondary rights of children, and of citizens generally, are equally protected in the private and the public sphere (Barry 2001, p 204-205; MacMullen 2007, p 5). The same goes for home-schooling, i.e. a form of schooling in which children are educated in their homes by their parents or teachers hired by these. Home-schooling raises specific issues, however, which privately financed and/or privately run

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[236] Cf. Terence McLaughlin (2008, p 98): "There are many different kinds of school choice schemes in many different contexts supported by many different kinds of motive, reason, and justification. Caution is therefore needed to avoid overly general and abstract discussions and judgments about school choice …". I think there is a role for general and abstract discussions on this matter but agree with the importance of attending to details and context before drawing any determinate conclusions about school choice in relation to MCE and children's rights to develop personal autonomy.

[237] As I see it, this is a question of social justice rather than of democracy and pluralism, providing that there is a state-financed alternative of similar quality for all children to attend (cf. footnote 83 and 203).

schools do not; in particular, it seems even more difficult to ensure that MCE and children's rights to develop personal autonomy are upheld, and the risks associated with segregation increases dramatically. Thus, there is a strong case for disallowing home-schooling except for those rare situations where the fundamental well-being of a child demands that he/she is educated (or rather: socialized[238]) at home under the supervision of the state[239].

6.5. Summary

In this chapter, I discuss the compatibility of MCE and children's rights to develop personal autonomy with a system of school choice which allows parents and children to choose which school the children attend. I begin by analyzing six arguments in support of school choice, which claim that it 1. leads to better schools (concerning MCE and autonomy promotion), 2. is a parental right, 3. is a cultural right, 4. is more compatible with pluralism, 5. protects against totalitarianism and/or 6. is part of a more active/direct notion of citizenship.

The first argument states that school choice will improve the quality of schools generally – in terms of academic achievement – and that this will have positive effects on citizenship education in so far as democracy benefits from a well-educated and knowledgeable citizenry. The problem with this argument is that it relies on a problematic assumption of parents and children as rational choosers with access to high-quality information and a preference for academic achievement. It also lacks empirical support. The second argument relies on a strong notion of parental rights which was rejected in section 5.2. The third argument starts from the notion of a right for minority cultures to survive and reproduce on the same terms as the majority culture. There are two versions of this argument, one claiming that the well-being of the members is dependent on them having access to a stable culture and one focusing on the wishes of members to reproduce their culture for an indefinite future. I argue that it must be the well-being of children that matters – rather than the well-being of their parents or some other persons in their cultural community – and that more empirical studies are needed before any firm conclusions can be drawn about what children need and do not need. Furthermore, I acknowledge the legitimate interest of minority cultures to reproduce their culture on fair terms with

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[238] See the distinction between socialization and education in section 4.2.

[239] Again, the conclusion will depend on certain historical, geographical and political circumstances. For now (and the foreseeable future) I think it is safe to say that MCE and children's rights to develop personal autonomy can only be upheld in a system of formal schooling (cf. section 4.2.).

the majority culture as long as this does not involve violating the primary rights of children to learn the knowledge, skills and dispositions needed for democratic citizenship and personal autonomy. Thus, the argument only works if schools can be regulated and inspected so that they uphold these rights and – moreover – it only applies to members of minority cultures. The fourth argument states that schools cannot be neutral in relation to different views of the good life and that it would be preferable if parents and children had a right to choose which school the children attend. I argue that schools can be neutral in a relevant sense, by introducing children to different beliefs and values – both religious and secular – and encouraging them to critically reflect on these beliefs and values, as well as on the very possibility of neutrality. Also, the argument relies on a strong notion of parental rights which was rejected in section 5.2. The fifth argument has to do with the threat of totalitarianism. School choice, it is claimed, provides a shield against totalitarianism as it hinders the state from exercising complete control over its citizens through the educational system. I argue that the accuracy of this claim depends on historical factors and that, in contemporary liberal democracies, totalitarianism can better be avoided through educational reforms focusing on MCE than by creating a school choice system. The sixth argument connects school choice to a more active notion of citizenship which allows citizens to have a direct influence on matters that affect them personally. While I point out that there is another side to active citizenship which is ignored by those who celebrate personal choice – i.e. the possibility of deliberating on various issues together with other citizens and with political representatives – I agree that it may be proper to introduce elements of personal choice in welfare systems in response to increasing levels of education and competence among citizens. However, this argument only applies to older children/adolescents who are capable of making their own informed choices about which school to attend.

I then proceed to analyze four arguments against school choice, which claim that it 1. turns education into a private good, 2. increases segregation (of a cultural, religious and/or political kind), 3. undermines the democratic character of schools and/or 4. threatens children's rights to develop personal autonomy.

The first argument states that school choice turns education into a private good, when transferring the decision-making power over education from the parliamentary level to individual parents and children. I do not think that this transfer of power is problematic as such but agree with the critics that there is a risk that school choice will lead parents, children and citizens in general to neglect the democratic purposes of education and

instead see education as merely a means for private success and/or the reproduction of certain ("private") beliefs and values. The second argument states that school choice leads to segregation of a cultural, religious and/or political kind and that this is problematic since children need to meet and interact across cultural, religious and political boundaries in order to learn the knowledge, skills and dispositions associated with MCE. I argue that the empirical evidence on school choice is inconclusive and that there may be ways of designing a school choice system which does not segregate children in this way, for example by restricting choice to schools without a specific religious, cultural and/or political profile (although more general social and economic reforms will also be needed). In the main, however, I find this argument convincing. The third argument focuses on the potential effects of school choice on the democratic character of schools, a category which includes both content (knowledge, values, principles) and teaching methods. I begin by discussing situations where this character is directly undermined, i.e. where schools actively oppose MCE in their teaching. I conclude that this risk can be avoided by regulations, inspections and other means of control. I then proceed to discuss situations where the democratic character of schools is indirectly undermined, as a consequence of the institutional/organizational logic/values associated with school choice systems. For example, there is a risk that competition between schools leads to a narrow focus on examination results and vocational skills/merits at the expense of "deeper" knowledge/understanding, critical reflection and deliberation. While there may be ways to lessen these negative effects, I find this argument convincing. The fourth argument states that school choice threatens the rights of children to develop personal autonomy, in so far as they are placed in homogenous schools which simply reinforce the beliefs and values found in their home environment. I argue that this risk, too, can largely be avoided by various means of control and by combating segregation.

Finally, I weigh these different arguments against each other and come to a conclusion about the compatibility of a system of school choice with MCE and children's rights to develop personal autonomy. The conclusion is rather negative: it seems to me that the arguments against school choice are stronger than those in favor of school choice, especially if one discusses actually existing school choice systems rather than possible alternative systems. I end the discussion by suggesting some reforms which could make school choice less problematic from the perspective of MCE and children's rights to develop personal autonomy.

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