

## Education for Deliberative Character: The Problem of Persistent Disagreement and Religious Individuals

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As Amy Gutmann and Dennis Thompson's *Democracy and Disagreement* underscores, value pluralism is endemic to democratic-decision making.<sup>1</sup> Citizens' persistent moral disagreement represents one of democracy's thorniest problems: as a matter of stability, the democratic state needs a process by which to decide public policy issues across deep differences, but democracy's commitment to individual liberty limits the means by which the state may manage citizens' moral disagreement. To improve upon preference aggregation theories that may repeatedly marginalize dissenting minority viewpoints, proponents of deliberative democracy place *ex ante* constraints on the deliberative process to safeguard individual liberty. Yet, as Joshua Cohen notes, these preconditions for public deliberation in effect remove some issues from the deliberation table: "the richer the requirements for institutionalizing free public deliberation, the larger the range of issues that...form the background framework of public deliberation rather than its subject matter."<sup>2</sup> Taking Cohen's observation as a starting point, I will focus on Gutmann and Thompson's theory to consider the following question: if their *ex ante* constraints on deliberation move certain issues from the public agenda to the background, what impositions might follow for religious groups in this context if there is less open to public debate?

Schools are likely to figure prominently — if not foremost — in the background culture of deliberation because they assume significant responsibility for preparing individuals for deliberation. As Gutmann acknowledges in her earlier book, *Democratic Education*, deliberative democracy is especially dependent upon education: "A primary aim of publicly mandated schooling is therefore to cultivate the skills and virtues of deliberation."<sup>3</sup> In particular, the principle of reciprocity, which stands at the center of Gutmann and Thompson's deliberative theory, has significant implications for education. I will thus focus on the civic education that befits this principle of reciprocity to understand how its curriculum, and by extension the deliberative process for which it is preparation, could infringe upon the rights of religious groups. Although the impositions I highlight may impact religious minorities more severely given their marginalized status, the arguments I make apply to religious groups more generally — including those not in the minority — given the nature of the constraints that Gutmann and Thompson place on deliberation. The challenges deliberation poses for religious groups, I suggest, show the importance of attending to issues of inclusion before focusing on how to manage disagreement.

### THE PROBLEM OF DISSENTING VIEWS

Democratic theorists, implicitly if not explicitly, typically assume conditions of diversity as their starting point. "The fact of reasonable pluralism," as John Rawls termed it, underlies the central problem of how to translate divergent individual

preferences into coherent public policy.<sup>4</sup> In spite of their acknowledgement of citizens' diverse values, many democratic theorists do not consider the possibility of irreconcilably deep civic cleavages that may exist along racial, ethnic, or religious divides. Instead, some prevailing theories assume the possibility of achieving social unity, or at the very least, a respected majoritarian consensus among citizens. Epistemic theories of democracy presuppose the existence of a common good, and assume citizens vote in accordance with it;<sup>5</sup> by contrast, economic theories of democracy doubt the existence of a common good, but accept the results of the aggregation of individual preferences through voting as a mandate for government action.<sup>6</sup> Although these theories vary greatly in details beyond the scope of my interests here, they similarly seem to suggest that disagreements between citizens can, at the very least, be managed, if not mitigated, by democratic processes. To the extent that differences persist, some theorists believe that procedural fairness in voting, as Henry Richardson argues, should justify outcomes to voters in the losing minority: "From the point of view of the losing voters, the fairness of the process ought to stand as a powerful argument for the legitimacy of the decision."<sup>7</sup> Yet this seems to overlook a critical problem of moral significance: what happens when the same groups lose over and over again?

This concern is at the crux of Gutmann's worries about democratic theories that subsume the individual under a concept of the common good or that bind marginalized individuals to collective decisions. Gutmann worries that majoritarianism is normatively deficient: "Majority rule loses its moral appeal when there are discrete and insular minorities whose equally meritorious political views are consistently less likely to prevail than those of a relatively cohesive majority."<sup>8</sup> Despite procedural equality in voting, background conditions may render individuals unequally likely to comprise the majority view. Therefore majoritarianism, Gutmann concludes, should not have a monopoly on democratic processes if alternatives may respect individual preferences; deliberative democracy, she argues, is a normative improvement upon majority rule since it can incorporate better the interests of marginalized groups.<sup>9</sup>

Gutmann and Thompson thus assume enduring moral disagreement as the context for their deliberative theory, and they aim to account for persistent value differences in light of social inequalities that influence access to public debate: "Deliberative democracy...admits reasons and principles that are suitable for actual societies, which all still suffer from discrimination and other kinds of injustice" (*DD*, 16). In order to maintain the procedural equality of democratic voting but also pay greater respect to minority viewpoints, Gutmann and Thompson posit a "constitution of deliberative democracy" that centers on five liberal values: reciprocity, publicity, accountability, liberty, and opportunity (*DD*, 199). As *ex ante* constraints on the deliberative process, these principles cannot be deliberated away. Gutmann and Thompson clearly set them forth as inviolable when stating that they "serve best as self-constraints" (*DD*, 199). These principles do not merely govern deliberation procedurally; they also inform the content of deliberation (*DD*, 200). Reciprocity stands at the center of their theory as "the leading principle" that gives form to the

meaning of their other criteria. I focus my analysis on reciprocity to consider what sort of education prepares citizens to embrace this principle, and how it might influence the position of religious groups in a deliberative democracy (*DD*, 200).

#### THE DEMANDS OF RECIPROCITY

Reciprocity is arguably the most comprehensive of the principles that Gutmann and Thompson apply to deliberation; given its scope, it is the deliberative principle that most implicates education. It not only specifies what issues citizens may bring to the deliberation table, but, moreover, prescribes the appropriate disposition with which citizens should deliberate. Using a Rawlsian framework, Gutmann and Thompson articulate two demands that reciprocity makes on citizens: one moral, the other empirical (*DD*, 55). Their account of the moral aspect of reciprocity reflects Rawls's concept of public reason in that it asks that citizens use rhetoric that is understandable and accessible to others when making arguments in the public sphere.<sup>10</sup> This understanding between citizens, note Gutmann and Thompson, is contingent upon citizens being "similarly motivated" to abide by the terms of cooperation for public discourse. Just as Rawls's concept of public reason is predicated on a political conception of justice that precludes the invocation of citizens' comprehensive doctrines, so too does Gutmann and Thompson's reciprocity unapologetically leave behind, as a practical necessity, individuals who do not translate their sectarian commitments into terms accessible to others: "No moral perspective in politics can reach such people, except one that replicates their own comprehensive set of beliefs" (*DD*, 55). The moral requirement of reciprocity bears on both the process and substance of deliberation by stipulating that citizens cannot use language unique to their comprehensive commitments, and that the content of such commitments is not appropriate for public debate.

The empirical requirements for moral debate further constrain the process and substance of deliberation, particularly for religious individuals. Although Gutmann and Thompson do not go so far as to demand that arguments made in the public sphere must be empirically verifiable, they suggest, at the very least, that arguments should not contradict widely accepted claims and methods of gathering evidence (*DD*, 56). This restriction most significantly impacts the place of religion in the public sphere. As Gutmann and Thompson underscore, arguments that invoke the divine clearly fall far outside the empirical realm. Gutmann and Thompson do attempt to defray allegations of illiberally constraining religious citizens by arguing that their requirements do not single out religious appeals, but, instead, preclude all appeals to authority that are unverifiable: "An appeal to divine authority per se is thus not what creates the problem for a deliberative perspective. The problem lies in the appeal to *any* authority whose conclusions are impervious...to the standards of logical consistency or to reliable methods of inquiry" (*DD*, 56). I will argue that regardless of intent, this empirical criterion, coupled with reciprocity's moral requirements, places religious individuals at a serious disadvantage in deliberation.

#### RECIPROCITY IN THE FACE OF IRRECONCILABLE BELIEFS

Gutmann and Thompson term moral clashes that become stalemates "deliberative disagreement." In such clashes disputants are committed to finding fair terms

of cooperation, but their conflicting values are an insurmountable impediment (*DD*, 78). Religious convictions are likely to be at the center of such impasses, and in such situations, Gutmann and Thompson acknowledge that reciprocity may be of limited use (*DD*, 74). Yet, they maintain that “reciprocity should not be left behind” (*DD*, 78). Rather, they advise that decision-makers simply choose according to their best judgments after considering all viewpoints. This is not, as they acknowledge, particularly novel advice, nor does it do much to resolve conflicts: “This approach to moral conflict makes sense as far as it goes, but it does not go very far” (*DD*, 78). Gutmann and Thompson thus suggest that once reciprocity has been exhausted, principles of accommodation should take over to manage deliberative disagreement.

From an educational standpoint, there are two likely options for accommodating persistent disagreement: fostering respect for different views or encouraging toleration of them. Toleration is a relatively passive virtue, in that it allows individuals to adopt a “live and let live” attitude toward others without aiming for greater understanding of different perspectives. By contrast respect — if it is not of the patronizing sort — does have a higher cognitive requirement in that citizens have to be more familiar with, if not understand, other’s viewpoints. As Gutmann and Thompson note, whereas toleration may condone isolation, mutual respect necessitates that citizens have meaningful interactions with others about value differences. They write, “it requires a favorable attitude toward, and constructive interaction with, the persons with whom one disagrees” (*DD*, 79). This requirement of “constructive interactions” does not impinge upon the liberty of disputants to retain their beliefs. Yet a much more robust demand follows. According to Gutmann and Thompson, the principles of accommodation do not merely require that citizens interact with each other around their differences, but moreover, they prescribe that citizens themselves be of a certain disposition if deliberation is to work:

It is the character of individuals who are morally committed, self-reflective about their communities, discerning of the difference between respectable and merely tolerable differences of opinion, and open to the possibility of changing their minds or modifying their positions at some time in the future if they confront unanswerable objections to their present point of view. (*DD*, 80)

Gutmann and Thompson’s invocation of “character” conveys how comprehensive the requirements of reciprocity may be. In order to be a good deliberator, they seem to suggest, one must possess a certain disposition rather than mere skills. In a sense, then, this “character” is perhaps the most stringent *ex ante* constraint that Gutmann and Thompson place on the deliberative process.

Gutmann and Thompson’s prescription for a deliberative character is not a condition that governs the deliberative process, but rather is a prerequisite to it. As such, the development of such a character essentially becomes an education question: what must happen in the background culture of deliberation, through education, to foster in citizens the disposition described above to prepare individuals for deliberation? Gutmann and Thompson acknowledge the heightened importance of education to their vision: “In its civic education deliberative democracy goes even further than other forms of democracy” (*DD*, 66). The demands of reciprocity suggest a thick civic education, given that they aim to cultivate a particular character

instead of merely transmitting skills and capacities to students. I now consider the curriculum that befits the cultivation of deliberative character as Gutmann and Thompson describe it, and suggest how this curriculum may make questionable impositions upon religious individuals.<sup>11</sup>

EDUCATION FOR DELIBERATIVE CHARACTER:  
PUBLIC REASON, MUTUAL RESPECT, AND AUTONOMY

Cultivating citizens to use public reason figures prominently in an education for deliberative democracy. Public reason's requirement that citizens translate their sectarian commitments into language accessible to all makes a much discussed and controversial demand of citizens that, some argue, sharply bifurcates individuals' identity. It asks that citizens, when engaging in public deliberation, bracket their private commitments and restrict their reason and discourse to that which is publicly accepted and agreed upon. Setting aside doubts about the psychological feasibility of this concept of a divided self, the educational implications of this concept are significant. To exercise public reason, students must learn the difference between public and nonpublic reason, which in effect is to be able to reflect critically upon the difference between whatever comprehensive doctrines they may affirm and non-sectarian rationality. Communitarian critiques highlight the educational task here: students must learn when and how to switch between a public identity and a private one, while maintaining a cohesive sense of self.<sup>12</sup>

Moreover, if students are to respect rather than merely tolerate fellow citizens' differing views and their respect is to be genuine rather than patronizing, they must, as noted earlier, have some understanding of others' perspectives. This is critically important to education, given the significant cognitive and pedagogical difference between promoting mere tolerance and the higher aim of fostering mutual respect. In contrast to toleration that may condone ignorance of others' views ("live and let live"), respect requires some understanding of its object. And as Eamonn Callan argues, this difference is an important one in consideration of public civility.<sup>13</sup> If comprehensive doctrines — religious, moral, philosophical, or otherwise — are bracketed in schools, then children cannot possibly come to respect their fellow citizens in the way that Gutmann and Thompson's theory demands. This bracketing "disables children from coming to interpret what gives meaning to their fellow citizens' lives with the sympathy and open-mindedness that would nourish respectful social cooperation in the midst of diversity."<sup>14</sup> Gutmann and Thompson's criterion of mutual respect requires schools to teach students about the diverse doctrines to which citizens may subscribe, a task that Gutmann explicitly endorses in *Democratic Education*. She writes, "Open-minded learning in a multicultural setting — to which students bring competing presuppositions and convictions — is a prelude to democratic deliberation in a multicultural society and world."<sup>15</sup>

Gutmann and Thompson, in listing the character traits of a good deliberator cited earlier, also emphasize the importance of citizens being "open to the possibility of changing their minds...if they confront unanswerable objections to their present point of view" (*DD*, 79–80). This capacity to revise one's ends is essentially a call for morally autonomous citizens. If citizens are to be able to think critically, and if

necessary, revise their beliefs as a result of reflection, they cannot subscribe heteronomously to authority. In *Democratic Education*, Gutmann defines the notion of moral autonomy that a civic education for deliberative democracy should promote as follows: “Liberal moralism,” identifies “*moral autonomy* as the goal of moral education: education should produce in children the desire and capacity to make moral choices based on principles that are generalizable among all persons.”<sup>16</sup> Yet, this requirement for moral autonomy, in addition to the above demands of public reason and mutual respect, seems to exclude those citizens whose views are rooted in adherence to religious doctrine that they take to be authoritative and beyond rational reflection. To such citizens, making their claims “generalizable” and subject to rational analysis would fundamentally misrepresent and denature their beliefs. The education that cultivates “deliberative character” thus runs the risk of discriminating against religious individuals, and by extension, as I next argue, effectively excludes such individuals from public deliberation.

#### TAKING RELIGION OFF THE TABLE, AND THE RELIGIOUS FROM THE TABLE

The constraints that Gutmann and Thompson place on deliberation via their principle of reciprocity raise significant barriers for religious individuals’ participation in public deliberation on two fronts: procedurally (with respect to how debate should be conducted) and substantively (what may be debated). Procedural exclusion of religious individuals from participation rests largely on the central demands of reciprocity and the attributes of the “deliberative character” that require citizens to use public reason and to be morally autonomous. Although Gutmann and Thompson insist that such constraints do not exclude religion “per se,” embedded in their theory is a bias that, even if unintended, conveys a misunderstanding of religious belief that precludes religious individuals — particularly fundamentalists and others who adhere strictly to doctrine — from finding a place at the deliberation table.

Public reason is fundamentally at odds with the essence of religious devotion. Whereas public reason centers on the rationality, empirical verification, and general acceptability of individuals’ claims, religion is rooted in adherence to doctrine that stands outside the rational and empirical realm, and any one religious framework is unlikely to achieve universal appeal in a pluralistic state. Moreover, religious arguments often cannot be translated into the rhetoric of public reason; and, conversely, public reason is unlikely to make sense to some religious believers. Thus, as Stanley Fish argues, religious believers are more likely to be dismissive of, rather than engaged by, deliberative arguments since such arguments will seem to them as if in a foreign language: “If...the challenge comes in terms not recognized by the structure of your belief, why should you be the least bit concerned with it, since it rests on notions of evidence and arguments to which you are in no way committed?”<sup>17</sup>

The extent to which Gutmann and Thompson underestimate the incommensurability between public reason and religious belief is perhaps most evident in their attempts to make their theory appear hospitable to religion. They offer several explicit disclaimers to preempt allegations of an antireligion bias, but, in doing so,

they reveal a fundamental misunderstanding of religion that negates whatever comfort their disclaimer aimed to provide. In defending the inclusiveness of the empirical requirement of reciprocity, Gutmann and Thompson rightfully point to the fact that arguments based on a literal interpretation of the Bible cannot satisfy their empirical criterion. They note that this is not to single out religion, but rather applies to any claim that rests upon unverifiable authority (*DD*, 56). Religion is not at odds with public reason “per se,” they thus argue, so long as religious individuals do not insist on literal interpretations of the Bible. To this end, they argue that “virtually all contemporary fundamentalists subject biblical claims to interpretation... To reject moral claims that rely on implausible premises is therefore not to repudiate religion” (*DD*, 56). But from the perspective of a religious individual, this disclaimer that public reason and religion can be reconciled so long as the Bible is not read literally is of no comfort. Ian Shapiro notes that “from her perspective it would look as though she were being told that it is fine to be a fundamentalist so long as she abandons her fundamentalism.”<sup>18</sup>

Deliberation’s requirement that citizens be morally autonomous is also fundamentally at odds with some kinds of religious devotion. The strength of religious devotion, for some, stands in stark contrast to the value that liberalism attaches to the reviseability of individuals’ beliefs. Whereas Gutmann and Thompson prescribe self-reflection and critical questioning in light of counter arguments to one’s values, religious fundamentalists root themselves in a self-contained framework. Gutmann and Thompson dismiss this unbending commitment as “moral rigidity,” and describe this mindset as morally dogmatic, on par with divisive political rhetoric (for example, “Either you’re for the freedom of women or you’re against it,” with respect to the abortion debate) (*DD*, 80). This characterization imputes moral manipulation to rigid belief and fails to acknowledge that religion may be a less invidious form of unwavering doctrinal commitment. Moreover, as Stanley Fish notes, Gutmann and Thompson’s description of autonomy conveys a demeaning and reductionist understanding of religion. In describing how autonomy should be used, Gutmann and Thompson argue that “[o]pen-minded citizens try to break personal and institutional habits that would discourage them from accepting an opposing position at some time in the future” (*DD*, 83). Such views, Fish argues, “trivialize” individuals’ sense of the deepest truths by dismissing them as mere “habits.”<sup>19</sup>

This tension between moral autonomy and religion is most clear in the education realm. To educate for autonomy is not merely to pass on a tool to individuals that they can use or dismiss as they please; rather, its development is character-shaping. By enabling individuals to reflect critically about their beliefs and the course of their lives — an evaluative perspective that is difficult to lose once it is gained — autonomy permanently impacts individuals’ lives by precluding them from living heteronomously. Once autonomy is acquired, it is hard, if not impossible, to shake it. Moreover, it is unlikely that individuals can bifurcate themselves so as to live autonomously in the public sphere and heteronomously in the private sphere — a “spill over” problem that Rawls acknowledges and that leads him to exclude autonomy from his civic education so as not to violate liberal neutrality.<sup>20</sup>

Gutmann and Thompson make no claims to such neutrality and instead promote the transformative nature of deliberation as a virtue. On their view, this transformation does not simply occur in preparation for deliberation through education, but through deliberation itself: “Deliberation is therefore not only self-limiting...but also self-transforming, as the principles themselves are developed through the process of deliberation” (*DD*, 224). The deliberative character that Gutmann and Thompson promote prioritizes moral autonomy; yet since they push this value into the background culture of deliberation as cultivated by education, it is no longer open for debate whether the state should promote moral autonomy as an essential civic virtue. And thus religious individuals — should they overcome the procedural barriers to participate in deliberation — will find themselves further constrained, substantively, once they get to the table.

#### CONCLUSION

Gutmann and Thompson are right to acknowledge that the most enduring form of moral disagreement, contra Hume’s analysis that locates it at the extremes of “scarcity and egoism,” persists even “at the felicitous extremes, in conditions of material abundance and unlimited generosity” (*DD*, 23). And although deliberative democracy goes a long way toward acknowledging the incommensurability of values, it does not go far enough. Those who reject, wholesale, the constraints that Gutmann and Thompson impose upon the process seem to be further alienated rather than protected by their deliberative scheme. Their theory centers on the wrong problem given the exclusivity of their solution. As said by William Simon, “Why take ‘disagreement’ as the agenda-defining problem for democrats, rather than, say, *demobilization*? To be sure, Gutmann and Thompson are proponents of ‘participation,’ but they seem to have a fairly constricted notion of it.”<sup>21</sup>

But why should we worry about the participation of religious individuals who might be excluded under Gutmann and Thompson’s theory? Many theorists seem to point to numbers to legitimize this concern. William Galston’s criticism highlights the size of the fundamentalist population. For example, “It is difficult to imagine that any liberal democracy can sustain conscientious support if it tells millions of its citizens that they cannot rightly say what they believe as part of democratic public debate.”<sup>22</sup> Similarly, Ian Shapiro notes the null set of fundamentalists for whom Gutmann and Thompson’s theory works: “The Gutmann-Thompson model works only for those fundamentalists who also count themselves fallibilist democrats. That, I fear, is an empty class, destined to remain uninhabited.”<sup>23</sup> The numbers are critical. To be consistent, Gutmann and Thompson’s deliberative model should procedurally respect the equality of individuals given that the preference-aggregation models upon which they aim to improve accomplish that much with voting.

But the numbers are also important as a normative test of their theory. In *Democratic Education*, Gutmann argues there that if a majority of parents side against her view of limited parental authority over education to demand more control, “by the principles of deliberative democracy, citizens could legitimately cede more comprehensive authority to parents.”<sup>24</sup> Whether dissenting religious groups would actually have this leverage to instigate reform seems dubious. But the



numbers are likely to provide the best test. If the rules for deliberative engagement do not bend to incorporate a growing religious — particularly fundamentalist — population, then Gutmann and Thompson will need to abandon claims to inclusiveness and hang their theory on a different virtue. But, as William Simon suggests, perhaps reframing the problem is more critical. In education, and by extension, civic participation, the demobilization of citizens is a concern to address prior to the issue of persistent moral disagreement, be it the exclusion of religious groups, minorities, or other marginalized populations.<sup>25</sup> Before deliberation can begin as many individuals as possible need to be at the table. To begin talk prematurely shrinks rather than expands democratic engagement.

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1. Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge: Belknap Press of Harvard University Press, 1996), 11. This text will be cited as *DD* in the text for all subsequent references.

2. Joshua Cohen, "Deliberation and Democratic Legitimacy," in *Deliberative Democracy*, ed. James Bohman and William Rehg (Cambridge: MIT Press, 2002), 87.

3. Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1999), xiii.

4. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), xix.

5. Joshua Cohen, "An Epistemic Conception of Democracy," *Ethics* 97 (October 1986): 26–38.

6. Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Row, 1957); and Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper and Row, 1942).

7. Henry S. Richardson, *Democratic Autonomy: Public Reasoning about the Ends of Policy* (New York: Oxford University Press, 2002), 212.

8. Amy Gutmann, "Deliberative Democracy and Majority Rule: Reply to Waldron," in *Deliberative Democracy and Human Rights*, ed. Harold Hongju and Ronald C. Slye (New Haven: Yale University Press, 1999), 232.

9. *Ibid.*

10. Rawls, *Political Liberalism*, 213.

11. Although Gutmann does address the content of deliberative education in her earlier work, *Democratic Education*, her brief discussion does not focus on the curricular details of an education for deliberation. My analysis here thus extrapolates from the more detailed theory presented in *Democracy and Disagreement*.

12. Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1992), 192–198.

13. Eamonn Callan, "Rejoinder: Pluralism and Moral Polarization," *Canadian Journal of Education* (August 1995): 315–332.

14. *Ibid.*

15. Gutmann, *Democratic Education*, 307.

16. *Ibid.*, 59.

17. Stanley Fish, "Mutual Respect as a Device of Exclusion," in *Deliberative Politics: Essays on Democracy and Disagreement*, ed. Stephen Macedo (New York: Oxford University Press, 1999), 94.

18. Ian Shapiro, "Enough of Deliberation," in *Deliberative Politics*, ed. Macedo, 30.

19. Fish, "Mutual Respect," 91.

20. Rawls, *Political Liberalism*, 199.

21. William Simon. "Three Limitations of Deliberative Democracy," in *Deliberative Politics*, ed. Macedo, 52.

22. William Galston. "Diversity, Toleration, and Deliberative Democracy," in *Deliberative Politics*, ed. Macedo, 43.
23. Ian Shapiro, *The State of Democratic Theory* (Princeton: Princeton University Press, 2003), 26.
24. Gutmann, *Democratic Education*, iv.
25. Simon, "Three Limitations," 52.