

HIGHER EDUCATION EXCHANGE



Democracy Divided

Articles

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Afterword

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The *Higher Education Exchange* is founded on a thought articulated by Thomas Jefferson in 1820:

I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

In the tradition of Jefferson, the *Higher Education Exchange* agrees that a central goal of higher education is to help make democracy possible by preparing citizens for public life. The *Higher Education Exchange* is part of a movement to strengthen higher education's democratic mission and foster a more democratic culture throughout American society. Working in this tradition, the *Higher Education Exchange* publishes case studies, analyses, news, and ideas about efforts within higher education to develop more democratic societies.

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DISCOURSE ETHICS AND DELIBERATIVE DIALOGUE

Jed Donelan

The New England Center for Civic Life (NECCL) was founded over 20 years ago at Franklin Pierce University in southern New Hampshire to promote the practices of deliberative democracy on campus, in the community, and throughout the region. Inspired by exchanges with the National Issues Forums network, NECCL has worked with universities and colleges, community organizations, and businesses to foster community engagement around pressing community issues. One of the mainstays of NECCL's work has been the Civic Scholar program through which students are trained to moderate student forums on important campus and institutional issues.

As a young faculty member fresh off my dissertation, I was attracted to the work of NECCL through my interest in the discourse ethics of Jürgen Habermas. Habermas talks about an “ideal speech situation” in which, under particular conditions, the agreement between those involved in the discourse is morally binding. This post-Kantian and post-conventional approach to ethics appealed to me as a way of grounding normative ethical claims without appealing to some external (conventional) standard and while avoiding the consequences of ethical relativism. Under the theory of ethical relativism, which holds that morality is relative to the norms of one's group or culture, there is no way of grounding normative ethical claims and democratic practices would be no better or worse than any other method of determining the political will. Ethical relativism would not recognize a normative distinction between democracy as a

How does the practice of deliberation develop the moral competencies required for democratic citizenship?

power struggle between competing interests utilizing majority rule and compromise and democracy as an exercise in communal living and will formation. Habermas

claims that the conversations that ground normative commitments have to be actual, not ideal or hypothetical.¹ I was attracted to the practices of NECCL as a possible real-world instantiation of the ideal speech situation.

After 20 years of deliberative practice, I would like to review this initial attraction and ask the following questions: (1) To what extent does the structure

of deliberative dialogue as practiced by the National Issues Forums Institute and its affiliates realize the ideal speech situation? (2) To what extent can discourse ethics ground the moral aspect of deliberative practices? (3) How might a moral understanding of deliberation inform our practices? and (4) How does the practice of deliberation develop the moral competencies required for democratic citizenship?

Deliberative Dialogue and Habermas’ Ideal Speech Situation

I have considerable training and experience in moderating deliberative forums with the National Issues Forums (NIF) model. NIF forums have a specific structure. A trained moderator guides the discussion using an issue guide that lays out (usually) three approaches to a particular issue, such as immigration or health care. Each approach has positives as well as drawbacks, and the moderator seeks to lead the discussion in such a way that participants recognize the hard but necessary task of “choice work.” After some preliminaries, the moderator looks to invoke a “personal stake” response—why this issue is of particular interest to members of the group. There is also a posted set of ground rules to help guide the discussion and a set of reflection prompts to help bring the conversation to a conclusion.

Some years ago, I was conducting a moderator training at Bates College and attempted to place deliberative practice within the context of discourse ethics. I juxtaposed the conditions of Habermas’ ideal speech situation with the (at the time) ground rules of a deliberative forum.

<p style="text-align: center;">Conditions of Ideal Speech Situation²</p>	<p style="text-align: center;">Forum Ground Rules³</p>
<ol style="list-style-type: none"> 1. Every subject with the competence to speak and act is allowed to take part in the discourse. 2a. Everyone is allowed to question any assertion whatsoever. b. Everyone is allowed to introduce any assertion [whatsoever] into the discourse. c. Everyone is allowed to express his [her, their] attitudes, desires, and needs. 3. No speaker may, by internal or external coercion, be prevented from exercising his [her, their] rights as laid down [principles 1 and 2]. 	<ol style="list-style-type: none"> 1. The moderator will guide the discussion yet remain neutral. 2. The moderator will make sure that: <ol style="list-style-type: none"> a. everyone is encouraged to participate; b. no one or two individuals dominate; c. the discussion will focus on the choices; and d. all the major choices or positions on the issue are considered. 3. We listen to each other.

There is at least a superficial similarity between these sets of procedural rules. I will take this *prima facie* coincidence to argue that discourse ethics illuminates the practice of deliberative dialogue in a way that highlights the competencies developed by the participants, competencies that are themselves fundamental for democratic citizenship.

The underlying insight of discourse ethics is that norms are morally binding when they are agreed to by participants in a conversation wherein all affected

Communication oriented to reaching understanding is necessary for integration of mutual human activity.

parties are entitled to speak, no validity claim is beyond question, and the “unforced force of the better argument” holds sway.⁴ This perspective can be seen as a version of social contract theory.

Moral norms are binding because of an agreement among those who will be bound by these norms.

These principles are derived from Habermas’ larger claims around the necessary structures of communication. Communication oriented to reaching understanding is necessary for integration of mutual human activity. Using language to manipulate others through falsehoods, fallacies, and frauds—what Habermas calls strategic action—is dependent on the primary purpose of language, which is reaching understanding. Manipulation through language is only possible if the coordinating function of language is presupposed in the first place. As Kant so clearly pointed out, a lie works only if it is believed. Lying is possible only where truth telling is the norm.

Each statement within a discourse contains a validity claim. These validity claims are redeemed differently in different arenas—fact, norm, or truthfulness. All validity claims are discursive in nature and need to be adjudicated through language. But only normative validity claims are adjudicated purely within the discursive process. Conversely, truth and sincerity, as well as normative claims, have a place within the normative discourse in a way that does not extend to the other spheres of discursive action. Facts, realities, and so forth must be part of the normative conversation and, as such, can have their validity challenged by any participant. Likewise, whether participants really believe what they are claiming can be challenged. Participants’ interests themselves, then, are open to questioning—not *if* they have them, but *whether they should* have them, or whether their perception of their interests is actually in line with an objective reality we might agree upon.

Habermas differentiates himself from other ethical theorists in the neo-Kantian tradition, such as John Rawls, by insisting that normative conclusions be the result of actual dialogue among interested parties rather than the result of some hypothetical thought experiment, such as the “original position.”⁵ While it makes it messy, Habermas insists that actual conversations take place.⁶ This means that people’s actual interests, values, and prejudices are entered into the conversational mix. The possibility of strategic action also enters the picture. Nevertheless, Habermas argues that the presence of the possibility of strategic action indicates the presence of the possibility of communicative action, wherein particular rules of engagement need to be followed if participants are going to be able to, in principle, reach agreement. These rules are attempts to identify what would be required if mutual understanding based on the “unforced force of the better argument” is to be possible.

As stated, I first came to deliberative dialogue as a possible candidate for a messy real-life process that Habermas recognizes will have to take place if interested subjects are going to be able to navigate their shared world and disparate interests through mutual understanding. Let us see how the structures of deliberative discourse in the NIF model line up with the conditions of the “ideal speech situation.” In what follows, I will refer to NIF ground rules as “rules” and the conditions of the ideal speech situation as “conditions.”

The Ground Rules of the Forum

Forum ground rules 2a through 2d can be seen as a way of realizing the ideal speech conditions 2a through 2c. This is not obvious as the ideal speech conditions speak to what a competent speaker has a right to introduce into the conversation, while the forum ground rules are about group dynamics and choice work. Nevertheless, if “one or two individuals dominate” (forum ground rule 2b), then not all participants are being allowed their rights to “question,” “introduce,” or “express” their own “attitudes, desires, and needs” (ideal speech conditions 2a, 2b, and 2c). Thus, some are being prevented through coercion (those dominating the conversation) from exercising their participatory rights as stated in ideal speech condition 3.

The Moderator

One of the consequences of our post-conventional condition is that philosophy can no longer claim to be “queen of the sciences.” No longer the grand weaver of intricate systems in the service of a transcendental truth derived a

priori, the philosopher, according to Habermas, acts as “a mediating interpreter,” questioning assumptions, taking alternate perspectives, and pointing out argumentative errors.⁷ Is not this the practice of a good moderator? “Why do you think that way?” “How might someone who disagrees with you respond?” “We seem to be using the term ‘immigrant’ rather loosely. What do we really mean?” The moderator does have a certain “police” function to (gently and subtly) enforce the ground rules, while pushing participants to be more open to alternative perspectives and more suspicious of their own.

Personal Stake

Perhaps there is no better indicator of whether a forum is going to be successful than the quality of the personal stake. Within the personal stake, “Everyone is allowed to express his [her, their] attitudes, desires, and beliefs” (ideal speech condition 2c). Of course, this function is not restricted to the personal stake discussion but should recur, perhaps prompted by the moderator, throughout the forum so that participants can better understand why assertions are made and believed and why they matter to individual participants.

“We Listen to Each Other”

What is the purpose of forum ground rule 3? Is it a rule relative to a specific procedure that can be discarded as soon as a different procedure is chosen, or is it a moral imperative? *Why* should we listen to each other? And, for that matter, what is the purpose of condition 3 of the ideal speech situation? Where do these *rights* come from? We seem to have introduced moral content that is not the result of an agreement taking place under the conditions of the ideal speech situation. Discourse ethics has been accused of harboring a *petitio principii* in that it introduces moral conditions before any agreement; the very condition of making a norm morally binding is even possible. Is there a way out of this pickle, one that might inform the imperative that “we listen to each other”?

Discourse Ethics and the Moral Practice of Deliberative Dialogue

The basic position of discourse ethics is that norms are morally binding if they are agreed to as the result of a conversation of a particular kind. But why? Because human beings are creatures that coordinate their behavior through language, and this can be done only on the foundation of communicative action, of which strategic action is derivative. But isn't this a moral claim itself? Don't

the features of the ideal speech situation themselves have normative content established before the conversation has even begun? In other words, doesn't discourse ethics beg the question by assuming the existence of normative standards before the justification of those standards, as required by discourse ethics, takes place?

This is the question of "a final justification," and it has been answered by the introduction of the idea of a "performative contradiction." The conditions of communicative action must allow for rigorous assessment of validity claims.

A rigorous assessment of validity claims means they need to be understood, and meanings challenged, before the rightness of the claim can be adjudicated. Thus, "we listen to each other."

If the internal conditions of successful conversation on which we all depend have residual moral content, then the practice of deliberation itself is a moral practice.

We have to hear how others are hearing what we are saying in order to be able to address ambiguities and critiques. The "listen to each other" imperative is built into the necessary conditions of successful communication *without the need to appeal to a normative claim*. Should anyone want to raise the normative issue in the course of the conversation, one could simply challenge the claim that "we listen to each other." Maybe we don't have to listen to each other. But if this is the case, then validity claims cannot be redeemed, including the claim "we don't have to listen to each other," and the claim falls on deaf ears. We find ourselves in the liar's paradox—a performative contradiction. I can't make claims against the possibility of rational discourse without invoking the very rules I seek to deny. We do have to listen to each other, not as a matter of moral obligation, but as a matter of the conditions of common living.

If the internal conditions of successful conversation on which we all depend have residual moral content, then the practice of deliberation, of intentional communal conversation itself, is a moral practice. One of the criticisms often heard from participants of deliberative forums is that the group has not come to "common ground" to address the issue at hand. What have we accomplished? Fair enough. The purpose of a deliberative forum is, after all, to do choice work. The telos of choice work is what gives the deliberation its focus, making it more than a dialogue. That being said, participating in the forum, hearing the experiences and values of others, and coming to terms with

how to express one's own experiences and values, in and of itself, is a moral practice, having moral content and consequences.

Moderators should encourage everyone to participate (particularly those whose voices are often marginalized but whose interests are at stake); keep those who are happy having their voices heard from dominating while participating; deflect, redirect, or diffuse statements that might be belittling of other people or other claims; and work to correct statements that are factually wrong. Moderators work as best they can to ensure that “we listen to each other,” not simply as a specific requirement of a particular democratic practice, but as a fundamental means of being with each other that requires respect and reciprocity—moral commitments—if authentic communal decision-making is to be possible.

Moral Understanding and Deliberative Practice

So, how can we work with moderators (in the case of NECCL, mostly undergraduates trained in our Civic Scholar program) to develop these capacities of fostering deliberation and to deepen the moral experience of the practice? My colleague Zan Walker-Gonçalves and I developed an exercise that might address this in some way. Preparing for a September 2019 moderator training that included students, faculty, and staff, we recalled the concern that many would-be moderators ask: “What do I do if . . .” followed by any number of possible “ifs.” To address this question, we identified typical scenarios a moderator might face that could disrupt deliberation. We then identified possible responses to these situations.

Sample Scenarios

- What do you do with the “expert in the room” who wants to lay down the facts?
- What do you do about participants who dismiss other participants’ contributions—perspectives, experiences, etc.?
- How and when do you diffuse tensions?
- What do you do when a participant stereotypes a group of people?

Sample Responses

- What experiences do other people have around this?

- Sounds like we have differing experiences or values at stake here. Let's remember to respectfully listen to each other.
- This is a good sign. We have tensions around this option. What are these tensions about?
- Would you please respectfully acknowledge what was said and then make a contribution of our own?
- Are you meaning to say all people of a particular kind are one particular way?

We distributed responses to the workshop participants on cards. Then we introduced the scenarios and asked participants to submit the card they thought would be the best intervention for the scenario. This “Apples-to-Apples” type of game allowed workshop participants to consider the nuances of moderator interventions. An interesting development that came out of this exercise was that we discussed all offered responses, not just the one that seemed the best. While participants may not have had a good response to a specific prompt, they had to submit something. The discussion of why participants submitted what they did led to a productive dialogue about what these different scenarios meant. Workshop participants worked through different answers to determine how they might be appropriate, and this led to a discussion that opened up different understandings of possible interests and motivations among participants.

This exercise in “creative empathy” is one way of getting at what we hope to accomplish with our student moderators. It was nicely summed up by graduating Civic Scholar Victoria Vargas:

As a student moderator, I recognized my new ability to listen, consider, and propose questions that will effectively [allow for communication through complex conversation that provokes thought and reason] for others. As a very opinionated student leader, I did find it hard to put myself in an unbiased position like this one requires. However, in doing this, I have been able to open my own mind and challenge my own beliefs privately after these public conversations. I can only hope that deliberative dialogue promotes the same reflection in others as it does in us as moderators.

To my mind, Vargas is talking about moral competencies developed by deliberative forums.

Another example of the moral content of deliberative practice is illustrated by a recent issue framing we undertook at Franklin Pierce University. After a series of events and workshops, Civic Scholars wanted to frame the issue of

controversial campus conversations. An all-day “naming and framing” workshop was held in January of 2018. The result was an issue brief that offered three approaches: (1) Embed controversial topics in course content; (2) Label course content that has controversial content so that students can choose what topics they want to engage in, if any; and (3) Utilize the campus environment to encourage diverse conversations from various viewpoints. All well and good. But as many of us working on this issue brief recognized, Option 2 was only an option for those who had the privilege of determining which conversations they wanted to be part of and which they wanted to avoid. Marginalized voices cannot escape being involved in controversial issues.

Nevertheless, we have held about 10 forums with this brief, and, in general, they have been successful. Students often begin by liking Option 2, individual choice being something many students value. But usually the participants talk themselves out of it, not necessarily from the concern of disrespecting marginalized voices, but more from the idea that college should be a time to explore new and potentially uncomfortable ideas.

Regarding the implicit moral content of participation in deliberative dialogue, student responses to qualitative questions on post-forum questionnaires are encouraging. To the question, What, if anything, might you do differently because of this forum? typical answers include:

- Work to acknowledge that others may not feel as comfortable as I do talking about controversial topics.
- Be more willing to hear other points of view, even if they are extreme.
- Expose myself more to diversity in race and beliefs.
- Consider the perspectives of others, and offer opportunities to speak.

Neither the moderator training exercise nor the *Controversial Conversations* issue brief were designed to augment the moral developmental potential of deliberative practices. Rather, they revealed it. And they might allow us to be more intentional about these practices in future efforts.

Deliberative Practice and Democratic Competency

The commitment to democratic decision-making did not come about as an historical accident. It was a hard-won achievement fought over centuries, first through the bourgeois revolutions of the Enlightenment, then through the historical extensions of participatory rights separate from property, race,

gender, and other restrictions, on to broader and broader inclusiveness, extending well beyond the geographical context of the Enlightenment. Yet, because democratic participation requires communicative action, the possibility of strategic action is concurrently present. We are often more likely to demonize each other in pursuit of our own perceived interests than to extend respect and reciprocity—to listen

to each other. Even those who demonize, who diminish the humanity of others in order to win an argument, have a validity claim behind their dismissal of other perspectives—that somehow those “others” don’t count as much. But once

individuals, or groups of individuals, capable of advocating from their own values and experiences for their own interests are excluded from the conversation wherein those interests are to be decided, the very foundation of democracy is compromised, if not destroyed.

My claims reduce to this: Deliberative dialogue can be taken as an attempt to realize Habermas’ ideal speech situation, imperfect as it is. The very conditions of successful deliberative communication, necessary for coordinated human action, have implicit moral content. Recognizing this allows us to reorient our understanding of deliberation such that we work with moderators to develop and promote understanding of deliberative practice as a way of fostering the moral underpinnings of democratic engagement. The deliberative process, in and of itself, has moral content and develops democratic capacity. This can be seen, at least anecdotally, in the reporting from NECCL activities.

My impression is that deliberative dialogue understates the moral aspects of its practice.⁸ We are currently living through an age when deliberation, listening to the other side, being open-minded, and even claiming something as a fact have become politically suspect. Those of us who believe in the normative value of democratic decision-making cannot respond to this skepticism with appeals to neutrality and nonpartisanship. Those of us committed to deliberative practices are partisan—partisan for a process that recognizes that diverse viewpoints are necessary to come to common agreement. Practitioners should not be averse to recognizing this reality, particularly when training and working

Those of us committed to deliberative practices are partisan—partisan for a process that recognizes that diverse viewpoints are necessary to come to common agreement.

with other practitioners. By emphasizing the moral content of the process itself, deliberators can bring attention to the moral foundations of democracy. This may be an essential step in reclaiming our public discourse, a vital task for the years ahead if democracy is to be reclaimed.



NOTES

- ¹ Jürgen Habermas, “Discourse Ethics: Notes on a Program of Philosophical Justification,” in *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Boston: MIT Press, 1990), 91-92.
- ² Habermas, “Discourse Ethics,” 89.
- ³ This is an earlier version of ground rules than those currently available at nifi.org.
- ⁴ Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg, 2nd printing (Cambridge, MA: The MIT Press, 1996), 306.
- ⁵ Habermas, “Discourse Ethics,” 66-67.
- ⁶ Habermas, “Discourse Ethics,” 91-92.
- ⁷ Jürgen Habermas, “Philosophy as Stand-In and Interpreter,” in *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Boston: MIT Press, 1990), 19.
- ⁸ I do not know, but I wonder if that was one of the reasons for adjusting the ground rules from “We listen to each other” to “Listening is as important as talking,” the current ground rule. “Listening is as important as talking” has no moral import and seems arbitrary and attached to a particular practice I can either accept or reject. “We listen to each other” is a moral imperative underlying effective deliberation and democratic participation.

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