

Education as a Moral Concept

Jurgen Habermas' Discourse Ethics and the Morality of Human
Development

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Abstract

This study is a philosophical examination of the fundamental normative status of the concept of education. If education has universal normative features, what are the conditions of possibility for these features? The thesis explores the extent to which and ways in which education specifically and human development more generally can be conceptualized and justified as a moral practice. It seeks to establish an ethics of human development that can serve as a normative standard upon which contemporary educational policies and practices can be critically assessed.

Chapter One describes three general approaches to practical reasoning about education. Chapter Two undertakes a critical analysis of the relationship between education and practical reason through a reconstruction of R.S. Peters' analysis of the concept of education. Peters argues that education is fundamentally a normative project of initiation into the good. Chapter Three rejects the initiation into the good argument and adopts Peter's procedural ethics to develop the thesis that education is fundamentally a matter of initiation into practical reasoning generally. Chapter Four undertakes a detailed account of Jurgen Habermas' Discourse Ethics. It examines the limitation of the Peters version of the initiation into practical reason argument and defends the view that Habermas' Discourse Principle (D) can better support the initiation argument. Chapter Five examines three competing applications of (D) to educational questions. It concludes that an appropriately conceived practical principle for the fundamental justification of educational policies will be reflected in an expanded procedural moral principle of universalization (U). Chapter Six describes and defends such a principle that includes epistemic prohibitions against what I term 'developmental coercion'. The prohibition against such coercion is argued to secure conditions of possibility for the justification of moral norms of

socialization and human development. In Chapter Seven, implications of morally legitimate socialization norms are explicated in more detail.

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Introduction: What does it mean to say that a person has been educated?

In his groundbreaking essay, *What is an Educational Process?* (1967), R.S. Peters sought to identify the extent to which and the ways in which the meaning of the concept of education can be specified. Among the many valuable things he has to say are two important claims that, in hindsight, may seem obvious. First, that education cannot refer to just any process, but to criteria to which various processes must conform if they are to legitimately be seen as educational (p.1). These criteria, however, can never be entirely separated from the moral domain, or, as Peters puts it, “moral requirements” (p. 3). These moral requirements can be separated into two types. The first, moral principles that must be followed so that the treatment of the learner is ethical. The second, that what is achieved in an educational process must be of value, or worthwhile. The first is derived from a universalistic, rational morality. The second is a question of the good, valuable, or worthwhile. As we will see below, this separation will have implications for the concept of education.

The second claim is about the substance of these criteria: “The connexion between ‘education’ and what is valuable can be made explicit without commitment to content. It is a *further question* what the particular standards are in virtue of which achievements are thought to be of value and what grounds there might be of claiming that these are the correct ones” (p. 4). Peters goes on to concede that, even if there are arguments that could be made to justify these standards, there is “no such established harmony” (p. 4).

This concession is certainly a legitimate one. Disagreement about the nature, scope and substance of educational standards or criteria has continued throughout the

philosophy of education. In fact, it would seem fair to say that the attempt to establish a “correct” or generalizable standard in many spheres of life is looked upon with suspicion. There are good reasons for this. For example, our ongoing commitment to the pluralism of the liberal state means that public claims about standards, generally speaking, must be careful not to illegitimately impose guidelines for how people ought to live. In fact, our understanding of liberalism has shifted from an emphasis on mere tolerance of the lives of others, to the insight that pluralism is *constitutive* of the liberal state. Such a view is best embodied in Rawls’ introduction to *Political Liberalism*: “Political liberalism assumes that, for political purposes, a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of free institutions of a constitutional democratic regime” (p. xvi). Beyond the confines of the liberal state, there is the additional concern that various attempts to universalize standards or criteria may only serve to legitimate more nefarious neo-colonial political projects of domination and control.

Nevertheless, it may be worthwhile to revisit the issue of the shareability or generalizability of the standards that comprise the concept of education. After all, we universalize by default. The claim that we ought not to universalize is as universal a claim as any. Furthermore, I think that it is worth revisiting because we have relatively new (or at least more refined) conceptual resources to address such issues. Specifically, the recent growth in the area of scholarship known as Kantian constructivism has much to offer in this respect. The representatives of this area include, but are not limited to, Barbara Herman, Christine Korsgaard, Thomas Hill, and Onora O’Neil.¹ It is not my intention to provide a comprehensive account of the many different approaches that comprise this area. However, some general comments can be made. First, Kantian constructivism is an approach to metaethics wherein questions of moral worth are

¹ For an early and influential statement regarding this approach see Rawls (1980),

grounded in principles of practical reason. But these principles do not reflect an independent order of values, rather, their structure, scope and authority is grounded in the exercise of practical reason itself. Rawls sometimes refers to this account as *constitutive autonomy* (2005, p. 99). Christine Korsgaard draws out the importance of such a project by identifying what is shared in this approach by Rawls and Kant

In both cases what we are looking for is the principles themselves, for we need reasons, ways of choosing and justifying our actions and policies, and reasons are derived from principles. Yet the very structure of the situation seems to forbid us to choose any *particular* principles...In Rawls' construction of his problem, it looks as if the choice of any particular principle of justice must be based on an arbitrary preference for one conception of the good over others. In Kant's construction of his problem, it looks as if the choice of any principle for the will must involve an arbitrary restriction of the will's freedom. And the solutions proposed by Kant and Rawls take a parallel form"

(2003, p. 114).

Just as Kant uses constructivism to develop a solution to the problem of rational willing, and Rawls uses constructivism to develop a solution to the problem of distribution so too, I think, can constructivism be used to develop a solution to the problem of education. What problem are we talking about, exactly? Well, when Peters raises the challenge of education as a concept, what I think he is doing is setting up a problem in a fashion similar to that of Rawls and Kant. Each sets up the problem in a similar form. Kant: What does it mean to say that my action has moral worth? What is the right concept of morality? Rawls: What does it mean to say that a society is well ordered? What is the right concept of justice? Peters: What does it mean to say that a person has been educated? What is the right concept of education? Or: How must we

guide our actions and policies such that our treatment of persons means that we can legitimately say that they have been educated?

Like Kant and Rawls, Peters' proposed solution, as I take it, is to frame the problem of education as a *practical problem*, a problem of practical reason. What both Kant and Rawls look for is a principle that can guide our actions and policies legitimately. But not just any principle will do. So while Rawls presents a *conception* of justice in the form of a practical principle that will serve as *the* solution to the distribution problem, and Kant suggests a *conception* of morality in the form of a practical principle that will serve as *the* solution to the problem of moral worth, so too must Peters present a conception of education in the form of a practical principle. The concept/conception distinction is put rather well by Korsgaard: "The concept *refers* to *whatever solves the problem*, the conception proposes the particular solution" (p. 116). Rawls illustrates this distinction with reference to his own work: he says that to apply the concept of justice to an institution means that the institution can make no arbitrary distinctions between persons in assigning basic rights and duties. The conception includes those principles and criteria for deciding *when* such distinctions are arbitrary (1995, p. 14ff). Accordingly, the concept of education should refer to what it means to say that a person has been educated, and the conception of education embodied by the concept includes the solution in the form of a practical principle.

Peters suggests that the concept of education refers to those standards or criteria by which we can rightly say that a person has been educated. These criteria cannot be arbitrary. As Korsgaard says, the structure of the situation doesn't allow us to choose just any standard. But what exactly is Peters' conception? What is the practical principle that he thinks can help us to determine what is or is not arbitrary? Again, like Rawls and Kant, the method by which Peters arrives at his solution is a variation on the transcendental argument. Education must involve activities that have value or are

“worthwhile” – learning to sew or do science, for example, can both be said to worthwhile, but on what rational grounds can *either* said to be of worth to a person in an educational process? As I have already pointed out, Peters recognizes that there is little in the way of a “harmonious agreement” concerning what is worthwhile. The “common sense” answers that may seem to easily come to mind when we reflect on the meaning of the word education only introduce deeper philosophical questions, as he points out in his typically astute manner: “Is the saying ‘Education is of the whole man’ a conceptual truth in that ‘education’ rules out one-sided development? Or is it the expression of our moral valuations about what is worthwhile?” (p. 7). In order to get at such questions, the analysis must go deeper. The practical question of what is educationally justifiable must be addressed through the exercise of human reason itself. For Kant, for example, the moral principle is the principle we need if we wish to determine our own law (and so our own will). For Rawls, the principles of justice are those principles we need if we wish to have a liberal society under conditions of multicultural pluralism.² Similarly, for Peters, the principle of worthwhileness is just that principle we must appeal to if we wish to determine what is worthwhile. Accordingly, the practical principle underlying Peters’ conception of education works in the following way: those activities are of educational value that are necessarily presupposed in asking the practical question, ‘what is a worthwhile activity?’ Education is an initiation into those competencies that one must have if our human reason is to be

² Let it not be said, however, that what either Rawls or Kant has to offer is arbitrary in the sense that it is simply responding to the demands of specific time and or place. Rawls is not interested simply in the normative conception of our specific political culture, rather, his project is a rational reconstruction of ideas that are latent in our political culture and that can then be assessed for their acceptability (Habermas, 1995, p. 120). Similarly, Rawls rightly points out that constructivism does not construct facts, rather, the principles and criteria of a conception specify which facts are relevant. (1995, p. 122). The principles of justice, for example, determines the relevance of facts about slavery that are “already there”, as Rawls puts it. This is one of the reasons why the principles yielded by a conception cannot themselves be arbitrary. I articulate this requirement in more detail in Chapter Three.

directed to answering questions of value. Accordingly, persons must be initiated in such competencies so that they, too, can choose what to pursue as worthwhile.

Two Shortcomings in Peters' Conception of Education

However, I think that Peters' practical principle is incorrect (I specify my objections in detail in Chapter Two). I think that he makes two missteps in his attempt to develop a practical principle. First, he separates questions of educational value or worth from universalistic morality or moral worth. This seems to me to be clearly wrong. An educational standard is necessarily a standard of *value*. For a legitimate standard of value to represent what it means to be an educated *person*, it must be valid universally. Therefore, any such standard of value must be that which all persons have an equal interest in attaining. If an educational standard is simply *good* to attain, it is something that a person could conceivably have more or less of, or not at all. What one person loses in terms of the good of education, they may perhaps 'pick up' by receiving other goods.³ This is perhaps why attempts to justify academic curricula are often looked upon with a certain degree of suspicion. Ten years of mathematics may be good for you, but I might rather receive the same investment of resources in a different form, such as in music training. In other words, education, if it is to represent a standard for all, must reflect a *universal* standard. As a non-arbitrary, universal standard, it must reflect something that we either have a right to or have a duty to provide. And so it cannot be formulated simply in terms of value or goodness, rather, it must be understood as relations of treatment between persons who recognize one another as having equal moral worth. Even if education in some way deals in things that are good or worthwhile, do we have a duty to ensure that persons can experience these goods?

³ Note that Peters says that simply 'picking things up' through a process is not educational (1967, p. 11). But even so, why ought we go through an educational process rather than pick things up?

So I think that while Peters has got the *concept* right (education refers to non-arbitrary standards of initiation or development or experience), his *conception* is wrong. And his conception is wrong because he is also wrong about the *place* of the concept of education within practical reason. As I have suggested above, Peters shoots for the *wrong kind* of practical principle. He thinks the principle is at bottom about what is good. I think it is about what is right.⁴ Therefore, whatever merits it might have, a ‘principle of worthwhileness’ as rendered by Peters is insufficient, for reasons I will go into in more detail in the thesis. However, I will try and state the objection in brief: if the question, ‘What does it mean to say that a *person* is educated?’ is to legitimately refer to any and *all* persons, the *particular* conception proposed as an answer must be valid for and applicable to *all* persons. Otherwise the standard is not actually an obligatory standard at all, but a *preference*. Any conception of education stands and falls on this criterion. Peters’ solution, because it is mainly a practical principle about how we reason about the good, as I will argue, falls in this respect.

We can put this differently. If a principle of practical reason is to offer a solution to our *practical problem*, then the principle should sufficiently guide our actions such that the problem is solved. Otherwise it is not a solution. To solve the problem of a well-ordered society, it is not enough to say that society X or society Y is good. To solve the problem of moral worth, it is not enough to say that action X or action Y is good. Both could be arbitrary. Or both could be seen as good. So even if action X *is* good, it simply puts off the question that says: even if action X *is* good, *are* we obligated to do X? Again, Korsgaard captures this nicely:

[E]ven if we know what makes an action good, so long as that is just a piece of knowledge, the knowledge has to be applied in action by way of another sort of

⁴ Questions about the right (or moral questions) refer to justice-orientated questions about our rights and duties. The good refers to evaluative or ethical questions about how one wishes to live. This distinction, and its implications for education, is explored in more detail in later chapters. See Rawls (1988) and Habermas (1998b).

norm of action, something like an obligation to do those actions which we know to be good. And there is no way to derive such an obligation from a piece of knowledge that such an action is good.

(2003, p. 111)

A practical principle cannot simply assert what is good in an evaluative sense. Learning about science might encompass all sorts of good things. But are we legitimate in asserting that one has a right to learn science, or that we have a duty as a community of persons to ensure that all new persons are initiated into scientific inquiry? Such assertions could rightly be dismissed as the exercise of arbitrary power or preference (in the case of Rawls) or an arbitrary restriction of the freedom of the will (Kant) or an arbitrary imposition of norms of human development and growth (Peters). Such standards cannot legitimately obligate. And so they cannot serve as the basis of a right. Alternatively, if our conception of education is simply evaluative, with no obligatory dimension, if it is only a position on what we think is good, something we may or may not undertake, the conception fails as a solution to the practical problem. This kind of choose-ability means that anyone can select whatever standards they wish and then call it “educational”. But this does not solve the problem of what it means to say that a person is educated, rather, it simply dismisses the problem altogether. *Anyone* and *everyone* represents an educated person. The concept is now meaningless because the conception (solution) is to say that anything that is believed to be good solves the problem. I think that Peters’ worthwhileness principle sets out what is good in this evaluative sense. This is why it should come as no surprise that his conception has been rejected on the grounds that it is a projection of his own conception of a good or well-lived life. If the standards proffered are simply good, we have no reason to expect people to be compelled in any way to choose them. Unless, of course, we can say that

what is good is *equally* or universally good for *all*. But this is now a moral question, requiring a *different* kind of practical principle altogether.

The reference to rights and duties is central, here. I agree that education must have some conceptual linkage to human growth and development. But I do not think that such questions are answered through appeal to notions of human flourishing alone. To be clear: facts about flourishing are relevant to our deliberations on what our educational rights and duties may consist in substantively. In fact, I devote significant sections of the thesis to the role that ethical worldviews or conceptions of the good must play in our moral deliberations (see especially Chapters One and Chapter Five). However, if educational standards or criteria reflect what is equally good for all persons, such standards cannot be seen simply as a matter of flourishing alone, but as *positive* duties owed to those with whom we interact in educationally relevant contexts. Even if we can reasonably establish what flourishing consists in, we would then have to show why we have an obligation to promote flourishing. On this view, educationally relevant moral duties must include positive duties.⁵

The second misstep is to shift the emphasis away from the problem of agreement. Peters rightly notes that there is little agreement on the correct (or as I would argue, morally right) standards of education.⁶ This is perhaps why he chooses to focus on a fairly standard transcendental argument. If he can identify those activities or values that are *necessary* for the possibility of making judgements of worthwhileness, he can get around the problem of disagreement about values altogether. When I ask the question ‘What is worthwhile’, I presuppose, by my own exercise of practical reasoning, a sufficient understanding of science, art, philosophy other theoretical activities that

⁵ The nature of positive duties, both generally and in educational contexts is often seen as unsustainable or too unspecific to be of deliberative worth. For a clear account of some of the challenges (and a strong defence) of welfare duties in the Kantian tradition, see Hill (2002). For a more specific discussion in the case of education, see Martin (2010).

⁶ As Rawls points out, individuals can agree on the meaning of a concept, but they can still disagree on the principles used to decide the various matters made explicit by the concept. (1995, p. 14ff).

allow me to undertake a reasoned assessment of the many possible activities open to me. And so I can't really dispute the value of those values without contradicting myself. Or at least that is how the argument is supposed to work.

I think Peters is half right in trying to "get around" the problem of agreement. By this I mean that he is right in thinking that an account must run deeper than simply asserting that one set of values is better than another in the hopes of persuading others. Equally reasonable people may have equally good arguments in favour of another set of values. Like Kant and Rawls, his answer instead refers back to the exercise of human practical reason itself. However, his attempts to derive a set of values through transcendental argument have been challenged from a number of fronts, not only in terms of an interrogation of the values he arrives at through his derivation, but of the validity of his version of the transcendental argument more generally (Hand, forthcoming; Montefiore, 1986; Kleing, 1973).

However, a plausible alternative is to focus on the conditions necessary for the possibility of rationally motivated *agreement* on educational criteria. There is some evidence that Peters himself was moving toward this position (Habermas, 1990; Martin, 2009b). This is the approach taken by critical theorist and moral philosopher, Jurgen Habermas. Habermas also works within the Kantian constructivist tradition, broadly conceived.⁷ Habermas' general approach is to render the separate and distinct areas of pragmatic, ethical and moral practical reasoning in terms of different forms of communication. For example, moral rightness is not so much represented in terms of what all could will but in terms of what all reasonable persons can agree to in rational discourse.⁸ Accordingly, his project of discourse ethics is an attempt to identify the *communicative* conditions necessary for moral agreement. It can be more specifically

⁷ For a very clear account of contrasting features between Habermas' and Rawls' constructivism, see McCarthy, (1994).

⁸ Habermas has a specific conception of reasonableness in mind, different from that of Rawls. See especially Chapter Six.

viewed as a reconstruction of Kant's idea of practical reason in terms of communicative reason, where Kant's moral principle is reformulated in procedural terms. I do not submit my maxims to a universal law test, rather, I submit them to others as a way of discursively testing their validity (McCarthy, 1994, p. 45).

So, in a sense, Habermas shifts the moral concept and the moral conception in a different direction than Kant. While Kant sees the moral concept as a problem of rational willing, Habermas sees the moral concept as a problem of moral agreement. Rationally motivated moral agreement is what *makes* something right. Similarly, while Kant's solution is to propose the various formulations of the practical principle (understood as a Categorical Imperative test – henceforth 'CI') as the conception of morality that solves the problem, Habermas proposes a *procedural* practical principle of universalization as the conception of morality that solves the problem. In this respect, Habermas is suggesting that the *problem* to which the concept of morality is directed as rendered by Kant is incorrect. The problem is one of rational, non-coercive agreement and *not* rational willing.

In this thesis, I argue that by shifting the emphasis of the argument in the direction I have been suggesting so far, we can arrive at a practical principle that serves as a more plausible solution to the problem that Peters has identified in his attempt to define just what it is that the concept of education is referring to. I do this in two ways: first, by returning the concept of education to its rightful place within moral-practical reason. On this account, the concept of education is primarily a moral concept. Accordingly, it refers to how people ought to be treated in their process of becoming a person as a matter of moral right, *not* to what is simply good to learn, or know, or experience. Second, I argue that any practical principle serving as a solution to the *moral* concept of education is a procedural principle of moral agreement. In other words, the conception I proffer is a procedural principle that will *include* moral

agreements about what it means to say that a person has been educated. In this respect, it is an *expansion* or *extension* of Habermas' procedural practical principle of universalization. The first move is directed to fixing on the right *concept* of education (i.e. about being clear on just what the problem is), and the second move is to fix on the right solution to that problem (i.e. about being clear on just what practical principle we need to solve the problem).

This is a thesis about education. But it is also a work of meta-ethical moral philosophy. The nature of the problem, as well as my proposed solution, is necessarily abstract in scope. I have tried to use illustrative examples where possible. I also, as a conclusion to this introduction, offer the following walk-through of the various stages of the argument.

Chapter Summary

In Chapters One and Two, I focus on the normative status of the concept of education. Is it a problem of instrumental reason? Or of the good? Of morality? In Chapter One I distinguish between three accounts of how practical reasoning pertains to education. For example, issues of the appropriateness of school uniforms are a practical issue. But the reasons that are decisively for or against the requirement of school uniforms in such cases may be seen to directly *or* only indirectly bear on matters of educational worth. For example, one might decide the uniforms are good to have because they promote social order. This may be a good judgement to make insofar as the question at hand is the smooth operation of an institution and of society. Businesses have dress codes, too. But is there anything distinctly educational about uniforms in school? These and many other considerations can shape the way that the business of schooling is undertaken, but it may (or may not) have bearing on education.

I make a distinction between three types of practical reasoning about education broadly as follows: I call *composite* arguments or justifications those claims that assume that *any* good reasoning about schooling or human development at the same time stands as good reasoning about educational worth. These arguments can include political, prudential or legal claims about the institution of schooling. In this model any reasoning that relevantly applies to the running of schools could be considered a composite argument. In contradistinction to these kinds of arguments are *autonomous* justifications. These kinds of arguments are premised on the idea that education refers to some distinct or autonomous order of values. On this view, education represents timeless conceptual truths. These truths may or may not have a life in the school. I argue that we can reject composite arguments as offering a solution to the problem of education because they do not refer to education specifically. Because they involve moral, legal, political and prudential forms of practical reasoning, they cannot be accounted for in terms of a singular practical principle. While such matters are necessary in our educational thinking in some sense, they don't properly identify what features of our educational thinking are decisive or normatively fundamental. I go on to argue that we can reject autonomous arguments because the idea that education refers to a distinct form of practical reason is, in my view, unsustainable. I contend that the concept of education is a moral concept all the way down. By "all the way down" I mean that valid educational claims are fundamentally justified through moral reasons. Any practical principle serving as a conception of education must therefore be a moral-practical principle. I call this kind of justification the *nested* conception of education. It is located within practical reason, but at home with moral-practical reasoning specifically.

In Chapter Two I give a more detailed account of the conception of education as developed by R.S. Peters. I interpret Peters as trying to develop a practical principle of

worthwhileness as a way of solving the problem of educational standards. For Peters, the concept of education is a problem of initiation into the good, or the pursuit of the good. In other words, asking what it means to say that a person has been educated is a question about the things that it would be good to initiate developing persons into. I claim that a more fruitful approach is to situate the concept of education as a *moral* concept. I further argue that by hiving off the concept of education from the moral point of view, Peters ignores an aspect of his work that could stand in as a potential solution to his own conceptual problem. Namely, his *procedural* account of moral-practical reason could serve as a conception of education, once the moral dimension of the concept of education has been recognized.

If Chapters One and Two focus on the status of the concept of education (i.e. what kind of problem we are trying to solve), Chapters Three to Seven focus on the conception (i.e. the proposed solution to that problem). In Chapter Three, I develop Peters' procedural account of moral reason by contrasting it with Habermas' procedural account of moral reason. While Peters' account offers some important insights into the educational implications of a procedural theory of moral justification, I claim that Habermas' theory is more appropriate. Habermas' theory must accommodate Peters' reflections on education, not the other way around. Habermas is particularly useful here, because he, convincingly in my view, is able to make a distinction between *ethical-practical* and *moral-practical* discourse. In the case of ethical discourse, we rationally deliberate on questions about the worth and value of our chosen path in life, or questions of ethical prudence in the form of the question, 'How shall I (or we) live?' (Habermas, 1993, p. 66-67; Habermas, 1998, p. 39-41; McCarthy, 1994, p. 45-46). In the case of moral discourse, we rationally deliberate on questions of moral rightness in the form of the question, 'What ought I do?' I argue that Peters wrongly situates his

concept of education in the ethical mode, when it can be better situated within the moral mode as Habermas conceives it.⁹

In Chapter Four, I offer a detailed account of Habermas' theory of moral justification. Habermas sees morality as a problem of rationally motivated agreement, and his solution is a procedural principle, known as the principle of universalization, or (U), by which participants can arrive at a moral agreement. This includes prohibitions against coercion. It is stated as follows:

A norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientations of each individual could be jointly accepted by all concerned without coercion.

Accordingly, I explore the idea that we can arrive at moral agreements about rights and duties pertaining to our treatment of developing persons. Despite the cogency of Habermas' position, I contend that his conception of morality is insufficient in addressing the entirety of public moral questions raised by education. In other words, while Habermas has got the right *concept* of morality, his *conception* of morality must be refined in order to accommodate educational themes. This calls for no less than a reconsideration of the practical principle that Habermas proposes as a solution to the problem of morality.

In Chapter Five, I explore different ways in which Habermas' practical principle can be modified to accommodate educational themes. I explore the possibility that the concept of education is merely a problem of contingency – that the problem of what it means to be an educated person refers only to the standards of a particular community at a particular time and place. I also explore the alternative possibility – that what it

⁹ The moral perspective for Peters is to *constrain* action in educational as well as other contexts, but plays no intrinsic role in saying what we ought to do in a positive sense. See Chapter Two.

means to be educated refers to timeless standards that are transcendental. I reject both possibilities and propose a “middle ground” – that what it means to be educated refers to moral agreements of educational relevance. These agreements are based on the substantive interests and values of persons situated in real contexts of interaction. The contingent interpretation is consistent with the composite justification of education. The transcendental justification is consistent with the autonomous justification of education. The moral agreement justification is consistent with the nested justification of education.

In Chapter Six I begin to develop a conception of education grounded in Habermas’ procedural theory of moral justification. On my account, it turns out that exercise of practical reason demands that one cannot coherently deliberate in ways which undermine the practical reasoning of developing persons. To continue the example of Kant: just as one cannot rationally will without contradiction maxims that undermine the capacity for *others* to rationally will, one cannot argue without contradiction for actions, policies, or norms that, if generally observed, knowingly undermine the capacity for *others* to deliberate, and this *includes* persons whose practical reason is only developing. Therefore, I suggest the addition of a prohibition against what I call ‘developmental coercion’ to Habermas’ practical principle alongside the other prohibitions against coercion that form the principle. This revised principle of universalization, (U^D), in addition to serving as a conception of morality in general, is also *inclusive* of the concept of education, understood from a moral point of view. I state this principle in the following form:

A norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientation of each individual

could be jointly accepted by all concerned without external or internal (including developmental) coercion.

In Chapter Seven I develop some of the themes emerging from Chapter Six in more detail, including the idea of developmental coercion. I refer to the assessment of norms of socialization as one area of central moral concern for any coherent conception of education. I argue that a developmentally sensitive revision of (U) in the form of (U^D) makes the justification of such norms more plausible on procedural grounds.

In the Conclusion, I summarize the account of educational value proffered in this thesis while identifying some of the implications of a revised principle of universalization for issues of educational policy and practice. I also identify the socio-political relevance of Habermasian moral deliberation for contemporary formal schooling.

Chapter One: What Kind of Concept is the Concept of Education?

One of the central problems in the philosophy of education is the status of the concept of education. For example, what do we mean when we say that someone has been educated? How do we judge the legitimacy of actions and policies that we claim are educational? These are questions that once dominated the philosophy of education, primarily in work by R.S. Peters, Paul Hirst and John Wilson, among others. While the emphasis on these questions has somewhat diminished, they still have practical and theoretical import. For example, universal human rights legislation states that all people have a right to educational provision (1948). This usually is taken to mean that governments have an obligation to establish appropriate institutions for this purpose (usually in the form of state schooling). While the development of such institutions has value, it is not clear what particular concept of education is behind this rights standard.¹⁰ More crucially, it may not be the case that there *can be* a shared universal standard that would comprise a meaningful right to education.

The kind of standards I am referring to are not standards of student attainment or success (though they could comprising such things), but the kind of standards upon which we can make reasoned judgements about the worthwhileness of specific actions or policies that claim to be of educational merit. For example, while it may be true that state schooling is almost universal, it does not follow that people attending state schools are participating in a form of activity that any and all persons have a right to and any and all communities have a duty to provide. State schooling is established on the premise that it plays a key role in fostering a person's education, but it is not very clear on what grounds we can judge that schools are actually meeting this duty. If state schooling is supposed to fulfill a certain standard or obligation, what is this obligation,

¹⁰ This ambiguity in human rights legislation has most recently been identified by Curren (2009).

and how do we know when this standard or obligation has been met? To claim that access to education represents a universal standard of social justice, but be unable to provide deliberative guidance concerning how institutions can meet this social obligation is self-defeating. It would be much the same as saying that society ought to have equal access to a legal system as a matter of social justice, but be unable to provide any clear position of what counts as a *legitimate* legal system. Ensuring that people have equal access to a misconceived legal system seems wrongheaded. If education is also seen as a matter of social justice, then an argument must be made concerning the legitimate standard of education that social justice must address.

Therefore, one important aspect about the status of the concept of education is its *normative* status. If education is a human right, this presupposes some generalizable standard – we have a right to *something*, and we have a right to this something for certain reasons. However, it is not clear that we can really speak unproblematically of education in such categorical or universal terms. As many have pointed out, education can mean different things to different people, and while this does not entail that education *must* refer to different normative standards, it remains possible that this is the case. It may also be the case that each normative standard is equally legitimate. Given the many different ways that people choose to live, the burden of proof is on us to show, should we wish to, that the concept of education can represent a legitimacy standard that would have the scope required to accommodate something like a universal rights account of education.

Why is such a standard relevant today? At the very least we should be concerned because disagreements over the aims of schooling, intellectual freedom, learning, and human development take a central role in many of our contemporary political and moral arguments. And as the example of human rights above shows, the normative force of educational claims rest on the extent of our clarity and understanding of what

such claims are appealing to. If we are not clear on what an educational claim is actually claiming, or what a demand for educational equality is asking for, we may be making claims about and demands for something so vague that we are never really clear what it is we are asking for, or are unable to respond appropriately to someone who says these claims have already been met (or not met).

The alternative is to judge that we are mistaken in making such claims in the first place. The normative status of education may in fact be irredeemably diffuse and undetermined. This seems to be the case when we reflect on the ordinary use of the term. It is a notably fuzzy concept.¹¹ If we rest the case here, it might be more appropriate to see the concept of education as a heuristic for all sorts of processes such as schooling, socialization, training, parenting, initiation into traditions, care for the self and so on. Consequently, it may not make any sense to talk about *the* normative status of education in the sense that the concept refers to a *singular* principle of human, moral or social right. Its normative status is perhaps a pluralistic one, referring to the many norms embedded in the various practices, broadly conceived, that we generally group under the idea of education. On this view, philosophical questions about education are really about the *application* of political, moral and epistemological understanding to those many aspects of life that could plausibly be seen as educational in the broadest sense possible. Normative claims about education are not really normative claims *about* education at all, in the sense that education refers to a distinct set of norms or principles, but the application of various standards – moral standards, goods distribution, standards of human flourishing and so on.

In this chapter, I will challenge both the idea that education refers to some kind of singular normative standard, on the one hand, while at the same time rejecting the idea that the concept of education is irredeemably fuzzy. More specifically, I will argue

¹¹ On this point, see Peters (1972).

that the concept of education is a moral concept at its most basic level. But I mean ‘moral’ in a specific sense - a morality that is public, rational and universalizable (Section 1). I think that this is a good place to begin our deliberations on the normative status of education. While the moral point of view that I have in mind does not aim to account for all aspects of our life, it does aim only to be a starting point upon which to construct a generalizable conception of education. Regardless, an educational standard that is legitimate for and applicable to all persons must be justifiable to all those affected by that standard. In other words, such a standard must be able to respond to a *demand for justification* (2). Here, educational norms, actions and policies justified through appeal to this conception must be recognizable as non-arbitrary. When a concept of education is unable to account for why judgments of educational worth are legitimate, the concept is in some way insufficient. Accordingly, I argue that a concept of education can only respond to the demand for justification by reference to the appropriate practical principle (3). In other words, a conception of education that represents a universal standard must be one that can be formulated in terms of a practical principle that is non-coercive and non-arbitrary. In (4) I show in detail how the *type* of principle we propose is related to the *concept* of education we have in mind. I then show how the kind of practical principle that education *must necessarily* refer to is one that is *moral* in conception (5). I treat conceptions of education grounded in a Rawlsian perspective as a special case worthy of separate treatment (6). Lastly, I conclude that while education can best address the demand for justification via moral principle, a case must be made for what would stand as the most suitable *conception* of morality for this purpose (7). This represents a double burden: the moral conception must be convincing both as a moral conception and as a conception upon which a conception of education can be based. In other words, the practical principle must be

legitimate, both as a universal moral principle *as well as* a principle that can support a universalizable or generalizable conception of education.

(1) The Concept of Education: Moral in the Narrow Sense?

My argument is that the normative status of the concept of education lies somewhere between the singular and the pluralistic. I will argue that while education does *not* refer to a singular universal normative standard, neither is it a heuristic for a collection of sometimes associated, sometimes disconnected, practices that each have their own internal standard. More specifically, I will argue that the concept of education reflects *universal moral standards* regarding our treatment of persons in ways that are *directly* relevant to contexts within which practices such as teaching, learning and human development occur.

Universalist morality is clearly not a complete account of our ethical life. On the one hand, morality could refer to all those values or principles that constitute a person's view of the world. I think that this view is much too broad and indeterminate for our purposes. Rather than counter with a complete account, however, I will only here introduce the idea that the conception of morality that I proffer is a public, or narrow, conception of morality. By public morality I mean a morality whose norms and principles are legitimate only to the extent that they are defensible through reasons that can be shared with others in that public. Such a morality does not seek to account for all of our ethical life or all of our values, but does seek to regulate our expectations of treatment between one another. Graham Haydon refers to such a concept of morality as "morality in the narrow sense" (Haydon, 1999). I see such a conception as crucial here, because a key aspect of the legitimacy of any account of education lies in its *justifiability*.

(2) Education as a Moral Concept: the Demand for Justification

Labrador, Canada is a Northern region of massive lakes, forests and mountains populated by a mixture of various aboriginal groups and people of European descent (also known as ‘settlers’). ‘The big land’, as it is often called, has more than its fair share of social problems. This is due to a legacy of colonization and “integration” perpetrated by the Canadian and Newfoundland Governments.¹² Canada’s policies throughout the twentieth century involved successive attempts to extinguish the cultural heritage of the Innu peoples of the region. The school system was no exception. While “extinguishment” is no longer an explicit policy, the Labrador School district has been struggling with student truancy, parental apathy and low teacher morale. While the region has managed to construct a functioning public education system in coastal Labrador, graduation rates for the district are abysmal, teacher retention is next to non-existent, and relations between the communities and the schools are tense at the best of times.

Early on, I had a student that had been sent to live with his grandfather in the village where I was working. The intention was to keep him away from the ongoing violence and alcoholism of his parents’ hometown. While he enjoyed most aspects of our school, he found the academic focus of much of the curricula frustrating and restrictive. His central concern was simple and straightforward: why do Innu students have to learn English instead of their ancestral language, Innu-Aimun?¹³ I could not come up with a justifiable response at the time, nor do I think I could do so now. Much of our educational practices are simply handed down to us – the way we do business today in public education, for example, is largely a matter of what the people who ran

¹² For an interesting study of the ongoing effects of colonization on aboriginal communities, see Samson (2003).

¹³ This term refers to Innu language in its written form. See <http://www.innu-aimun.ca/> for further details.

public education before us did. But this is not a good reason for continuing to do it that way, particularly when the stakes can be so high for human lives.

The situation is compounded by the fact that education is too often reduced to technical questions of effectiveness, with not enough attention paid to the larger normative context within which it operates. It is true that we are often left to deal with moral controversies in schools – whether or not someone has the right to wear a certain form of cultural dress, or whether school choice will lead to further inequalities in society. However, what we seem to hear very little of is education as a moral enterprise. I agree with Richard Pring when he claims that education is a moral practice (Pring, 2001, p. 102). Pring characterizes the moral dimension of education in the following way:

[It is] more than a set of specific actions in which a particular person is helped to learn this or that. It is an activity in which the teacher is sharing in a moral enterprise, namely, the initiation of (usually) young people into a worthwhile way of seeing the world, of experiencing it, of relating to others in a more human and understanding way.

(p. 106).

We might take issue with Pring's characterization of this moral dimension, but I think the larger point is worth taking – that we may be ignoring the moral quality of education. If education is indeed moral, its legitimacy rests on its responsiveness to the needs and interests of the people affected by educational policies and practices. Given this fact, how do we respond to the implicit claim of interest embedded in the student's question – that he ought to be provided an opportunity to learn Innu-Aimun where he no longer has the opportunity to learn it at home? Is his claim a legitimate one? How do we respond to his and similar demands for justification?

Moral judgments, social criticism and demands for fair treatment have real normative force – they are more than just an intellectual exercise. As R.S. Peters once wrote, to have a sincere attitude and a genuine consideration for the arguments of others is the “motivational lynch pin” of anyone who argues (1966, p.165). Institutions are just and fair only insofar as these arguments can be publicly articulated and genuinely considered. If we take claims to justice seriously, we can begin to construct a moral concept of education that is open to the varied interests and needs of individuals from different cultural, religious, and socioeconomic contexts. What is unclear is the role that such interests play in the assessment of the educational legitimacy of our policies. If moral judgments, social criticism and demands for fair treatment have real normative force, does this normative force draw from a source properly classified as “education”? Is this force due to some categorical or generalizable standard concerning what education ought to and can be? Or are such claims simply demands for disparate things, such as economic resources or political autonomy? In other words, even if education is fundamentally a moral concept it nonetheless remains a fairly indeterminate concept because it does not tell us what makes education distinctly moral. Nor does it tell us if and how what it is that contemporary society sees in education as moral can be unproblematically generalized to other cultures and societies.

(3) The Case for Principles

The demand for justification is a demand for good reasons. We label such reasons as ‘good’ by virtue of the fact that we believe that they are relevant to the issue at hand – this is why we find them convincing for ourselves and why we think they should be

convincing for others. For example, we could argue that sorting children into different classrooms on the basis of academic ability is wrong for the reason that this encourages social class differences. We generally take inequality to be a relevant consideration of justice. Typically, relevant reasons rest upon principles or general rules that, because they are taken to be valid, are appropriate for guiding our actions. We generally agree that our institutions ought not to promote inequalities. This is a guiding principle. If streaming promotes inequalities, we have good reason to claim that it is an unjust policy. Accordingly, good reasons in our deliberations about education will rest upon established principles. These principles help us to sort out which reasons are relevant for judging educational policies and which reasons are not. On this view, valid general principles play a crucial role in educational policy-making. In fact, even though we do not always make our principles explicit, they are indispensable to the justification of actions and policies:

[B]road principles...may have an important role in public policy debate...for the general public, to say that nurses and doctors should be caring people is itself to talk at the level of general principles...discourse at the level of general principles is surely inescapable at public policy levels.

(Haydon, p. 111, 2000)

Haydon emphasizes *generalizable* principles because they are what make mutual understanding possible between people deliberating about the legitimacy of competing policies. For example, we might be able to explain to a student that he needs to learn English for the reason that English-language skills are crucial if he is to participate in the market economy. This reason is relevant so long as we hold to the general principle that education ought to provide students with a good chance at success in the job market. Practical principles such as these help us to adjudicate conflicts about the justifiability of an action or policy.

Unfortunately, the appeal to practical principles does not sufficiently satisfy the demand for justification. Appealing to a principle can simply move the demand back a step. After all, one can appeal to a number of practical principles. *Which* principles are the right ones to appeal to? Even if the principles in question are valid, which of these valid principles are relevant to disagreements about education? The student can, after all, respond by appealing to a principle of tolerance whereby institutions ought to, at the least, respect the cultural distinctiveness of minorities such as the Innu peoples. The importance of the student's heritage makes the principle of job-market success one, at least for him, that he feels that he cannot reasonably accept, or is at the least inappropriate to his circumstances¹⁴ This in turn makes the job-market justification for English-language instruction ring false.

Nonetheless, we can distinguish between principles we *take* to be legitimate and principles that actually *are* legitimate and non-arbitrary. So, disagreement does not mean that there are *no* general principles that can guide decision-making processes. Nor does it mean that a student is right in rejecting the principle of job-market success simply *because* he rejects it. The *acceptance* of a principle has a different meaning from its *acceptability*. This first is simply behavioral, the second is *epistemic*. As R.M. Hare points out, principles must be *justified* if they are to have legitimacy. Is either principle – that of the job market or that of tolerance, in any way justified? If both are justified, which one is appropriate?¹⁵ If good reasons rest on valid and applicable principles, how can we justify *those* principles without recourse to *another* principle?

¹⁴ Of course, this assumes that the student is aware that his arguments are warranted by moral principles, and that some principles trump other principles. This is a question of moral education. But it is also a question of the capacity to participate in such discourse. The latter question is a central theme in the latter chapters of this thesis.

¹⁵ R.M. Hare (1981). Hare thinks that when different *prima facie* principles conflict (either one of several principles could apply to a situation) critical thinking will provide us with the information necessary for an impartial description of the situation, which will shed light on which principle ought to be chosen.

Principles are supposed to render decisions non-arbitrary. But how do we make our *principles* non-arbitrary?

3.1 Anti-Foundationalism and Justification

This kind of circularity in the demand of justification is sometimes called the Munchhausen Trilemma. The Munchhausen Trilemma states that if we reject the idea that foundational principles of justification are themselves self-justifying, we are left with only three alternatives: (1) an infinite regress where we always have to go further back in search for principles that can support reasons, (2) a logical circle in the deduction where we end up appealing to statements that are also in need of justification and (3) a decisionistic (and arbitrary) stopping off point (Apel, 1996) If this trilemma cannot be resolved, it stands to reason that judgments are likely *noncognitive*, meaning that they cannot be right or wrong but instead represent something like preference or intuition – something that cannot be publicly justified to others. You either share the preference or intuition with others or you do not.

On the one hand, the demand for justification encourages us to critically reflect on accepted practices. However, the standard of justification *itself* seems to be a matter for critical reflection. For example, if we claim that community traditions have *fundamental*¹⁶ justificatory authority and weight, educational policies can be judged by what the community takes to be the generally accepted standard. The real problem, on this view, is how to interpret and *clarify* what these standards are and then apply them in an appropriate and consistent way. What are the standards of a given community, and would the teaching of English meet such standards? The student is no longer being schooled in his home community – do we adopt his standards, or the standards of the

¹⁶ I say 'fundamental' because I do not want to suggest that traditions do not have a certain kind of authority and weight. In the above example, traditions are taken to be self-justifying.

community that he now lives in? How do we assess the claims of individuals in the community who object to the tradition? In any case, the traditionalist's position will run up against objections from individuals who may adopt a *different* standard of judgment. We can argue, for example, that the principles of the liberal democratic community that the student is *also* a member of are foundational. The rights and freedoms guaranteed by liberal democratic states will set the standard by which we assess language of instruction debates. However, this response is further complicated by the fact that a traditionalist can argue that liberal-democratic principles *themselves* represent something of a tradition.¹⁷ The traditionalist can then ask why the Innu tradition is not as legitimate as a liberal-democratic one. One returns yet again to a demand for justification.

(4) Concepts of Education and Practical Principles: Composite, Autonomous and Nested

Disagreement over social policy often centers on the justifiability of competing conceptions of education. Is a socially just school system best assessed by measuring academic outcomes, for example? Should a community have a say in what it means for its members to have been educated? If so, why? The answer depends on what we think education entails. If we think schools are simply a means to promoting social equality, measuring outcomes might be one way of assessing the legitimacy of a school system. But social equality outcomes do not necessarily reflect anything of *educational worth* unless we have good reason to think that the central purpose of education is the promotion of social equality. But this cannot be the case by itself. School graduates could conceivably be made to be equally uninformed about modern life in a way that

¹⁷ Eamonn Callan (1997) defends a kind of solidaristic liberalism that recognizes liberalism as a tradition.

leads to social equality as an outcome. This seems intuitively wrong. Social equality must be supplemented with a conception of educational worth or value. If something is so valuable that it should be distributed equally, we should be clear on what makes it valuable. Health care is not distributed equally simply *because* it promotes social equality. It is distributed equally because being healthy has value. And so because health care is valuable in identifiable ways, it ought to be distributed equally. In fact, because we can identify the values that comprise health care, we can define the relation between individuals and its distribution. We don't think that people who are thoroughly healthy should get the same amount of health care as people who are desperately ill. We recognize that when you are ill you are owed a certain kind of care. What concept of education best reflects what it is that we have an equal opportunity to, especially under pluralistic contexts such as those found in modern liberal democracies? ¹⁸ What standard of treatment are persons owed on educational grounds?

Here I wish to make a broad distinction between three different ways that we can frame our reasoning about education. Each reflects competing views about what standards, if any, the concept of education refers. I do not suggest that what is offered is a *complete* account, rather, what I aim to do is demonstrate that the *concept* of education will play a determining role in the kind of practical principle or rational standard required of legitimate educational actions, norms or policies. The three concepts, broadly conceived, are *composite* concepts, *autonomous* concepts, and *nested* concepts.

¹⁸ The sharp separation between institutions and the social obligations and duties that these institutions are designed to fulfil has become increasingly clear in pluralistic contexts. In Canada, for example, the judicial system has in some cases allowed native sentencing circles to take the place of a European-based approach to sentencing. The qualification is that the same universal standards of justice and fairness must be upheld in sentencing circles. The prevailing concern is that alternative approaches to legal justice *cannot* meet such standards and this has led to a broader disagreement regarding what legal justice *is* and what its limits are. For example, are there in fact universal standards of justice? I think that schooling faces similar challenges, especially where different communities have been asserting greater educational autonomy. Schooling may or may not be the best way to meet a certain type of social obligation or duty, but in any case part of the debate requires that we address whatever obligations and duties schooling is supposed to be fulfilling.

(i) Composite concepts of education see education as having no fundamental or foundational rational basis. Good educational judgements are simply comprised rather of all those reasons we have for doing certain things in educational contexts. To put this differently, there is no clear ‘theory of value’ underlying education that we can use to order or rank the importance or weight of reasons for or against certain policies. We simply take *all* the reasons we have for or against a decision, and move on from there.

Under this concept, competing claims about education are simply an amalgam of prudential, political, local, and historical factors. Here, the justification of educational claims is not based on any specifiable principle or principles but is instead *composite* in the sense that our judgements about educational policy involve the careful weighing of a number of different considerations, none of which necessarily make any particular claim about education. In the case of conflicts between traditional communities and modern school systems, for example, the issue may be primarily institutional. Can conventional state schooling be administered in traditional communities? Or the issue may involve political considerations – how much power should the state cede to local communities asserting control over the management of such institutions? On this account, the key to addressing educational disagreements requires a careful parsing out of the issues at hand – political rights, material inequality, the effectiveness of teaching strategies – and weighing up the reasons. Each situation will be different. No one principle will do.

Is the composite account the right way to go? The idea that educational arguments are composite does not have to be seen as a poor account. Good judgements require a careful consideration about the particulars of a situation. The institutional history of forced residential schooling in Canada, for example, is an important historical fact that must be taken into consideration in our deliberations about the autonomy of schooling in that context.

But are such judgements really judgements about the *educational* worth of such policies? They may be good judgements in terms of running a school in an effective manner. But this has no obvious connection with educational worth. If an action, norm or policy is to be justified as having educational worth, if it is to be seen as anything other than arbitrary, it must at some level, no matter how abstractly formulated, rely on *some* general principle or principles of justification. But what kind of principles are we talking about? For example, one can make sound moral judgements in the context of a classroom. A teacher rightly reports evidence that one of her students is being abused to the relevant authorities. It is her moral duty to do this. A teacher makes sound prudential judgements in a school context. For example, a school principal requires that all students pitch in the tidying up of school grounds once a week. This decision facilitates her aim of ensuring that the students get a sense of respect for school space. Both actions involve the use of practical reason. But other than being simply moral or prudent, could either say that their judgements were educationally worthwhile for reasons other than the bare fact that these judgements happened to apply to contexts conventionally associated with education?

Let's put it this way: we could agree that the first action is moral, and we could do so because we can recognize that there is a certain moral standard that the teacher's action has met. Saying that she has rightly made the child's interests a center of her moral concern is perhaps one way of saying this. And we could agree that the second action was prudent, and we could do so because there is a certain standard of what counts as a prudent decision. Her aim was to promote a respectful environment, and the tidying policy is an effective means of achieving this chosen aim. But if we asked either teacher if their action was of educational worth, or educationally justifiable, what could they say in response? The first teacher would probably say that it really doesn't matter if her action was of educational worth. It was her moral obligation to protect the child.

Recall that the moral duty to report child abuse is anybody's duty – it has nothing to do with the fact that the person aware of the abuse is a teacher or educator. But the problem here is that it excludes the possibility that part of what it means to act out of a sense of educational worth is in part to do just exactly those kinds of things that the teacher has done – to act out of the interests of the child.

True, on the surface it might seem odd to say that protecting a child from abuse is of educational worth. But I think this is because in ordinary language use, the term 'education' seems more associated with different kinds of flourishing activities. Protecting children from abuse doesn't really *promote* flourishing in the ordinary sense. And yet it isn't as if we could say that because reporting abuse is not of educational worth, we should not report it. So perhaps moral duties such as reporting abuse are unrelated to the concept of education. But this analysis overshadows the idea that education is fundamentally *about* a child's interests, where future flourishing is but *one* interest the child may have.

The school principal is in an analogous position. It may not matter if her policy has educational worth – the school grounds need to be respected. Otherwise vandalism takes over the school. Windows get broken. Costs go up. There will be fewer resources for things like textbooks and school lunch programs. But the problem here is that it excludes the possibility that part of what it means to act out of a sense of educational worth is to do just exactly those kinds of things that the teacher has done – to work toward ends that ensure students have a positive environment as one aspect of the educational process. Here we might object to the *particular* aim the teacher has chosen – tidy hallways – and we might object to the *means* chosen to achieve the aim – compulsory cleaning by students – but this may only have to mean that the teacher failed to meet a certain standard of educational worth. They simply fell short of the

mark, even if the overall intention was to *aspire* to meet some standard of educational worth.

What I am trying to show here is that the *reasons* underlying such actions, if they are to have educational worth, must connect with some standard regarding what would count as educationally worthwhile. This much seems obvious. But it has important implications. Sometimes actions seen as only moral may obfuscate our understanding of educational worth because we see educational worth as simply extraneous to moral worth, where education is a process that we simply *do*, with moral worth as a signpost that ensures that our quest to achieving educational worth doesn't broach our moral respect for persons. For example, imagine that both teachers were also trying to defend the educational worth of their actions. They might appeal to that fact that their actions were a part of a larger series of actions that constitute the work they do as educators, and this therefore makes those actions of educational worth. Reporting abuse or managing the school is one of the many things that they do as educators. What I want to show is that such arguments miss the mark because they fail to highlight the *reasons* upon which norms, actions and policies of educational worth are made or justified. The obvious reply to the teachers in this case, for example, is that they have simply deferred the question. If their actions are a part of a larger series of actions that constitute the work they do as educators, what gives this larger enterprise educational worth? The fact that "this is the work that educators do" is not a sufficient reason for why educators ought to do what they do.

We can re-describe the problem in a more philosophically technical way. For example, if we judged that a teacher's action was morally unjustified, is it unjustified *only* because it is a morally impermissible means to achieving a chosen end? Kantian terms may be instructive, here. Is the action irrational *only* because it fails to conform to the Categorical Imperative (CI)? Is the failure to conform to the principle the reason

why it is wrong? If this were in fact the case for *all* morally unjustified actions of teachers, we can infer that morality is *autonomous* from a justificatory perspective. To say that morality is autonomous, for example, is to say that the moral assessment of actions can only be fundamentally determined by appeal to moral principle and not from other kinds of premises or principles (such as empirical claims). According to Kant, the Categorical Imperative is the moral principle that secures the autonomy of morality. The Hypothetical Imperative (HI) does much the same for actions grounded in prudence. Here, morality and prudence are autonomous while education is not. There is no formal principle analogous to the CI or HI by which the educational worth of an action can be assessed (note that here I am not supposing that the CI or HI are themselves uncontroversial). There is no 'Educational Imperative' principle. There doesn't seem to be any kind of educational principle we can use to measure off the worth of our actions against. Consequently, we might then be encouraged to assume that judgments about educational policies are composite in the sense described above. Reasons of moral worth and prudence are just part of the many diverse reasons that can move us for or against a proposed action or policy. And so an educational policy could be morally impermissible, for example, but in weighing the many other reasons in support of that educational policy (political, economic and so on) the policy would otherwise have been recognized as worthwhile. As if somehow such policies could be educationally worthwhile *despite* moral worth.

I think that such view encourages a certain kind of educational thinking. It leads to seeing moral worth as but one factor among many. This may seem odd, yet many of our state policies treat schools as simply means to chosen policy goals that may themselves have little moral worth. For example, a focus on promoting 'transferable skills' for a 'flexible economy' can mean that the state fails in its duty to protect the interests of young people. The students are simply a means to the end of a more

productive economy. And a more productive free market economy is certainly not in the equal interests of all persons. It will be of more benefit to some rather than others. On the face of it, such an example seems absurd. How could one claim that a policy is educationally worthwhile even though it goes against our moral obligations? This seems contradictory.

But this is exactly my point. The composite concept of education doesn't work. First, it treats ethical considerations as but one consideration amongst many. Second, such decisions are possible because on composite accounts there is a failure to recognize even the possibility that educational worth is based on imperatives or obligations that trump more immediate, contingent or instrumental concerns. If education is not seen as primarily a matter of moral duty or obligation, for example, institutions that claim to be in the business of education have no need to be directly concerned with the fulfillment of such duties. Such a fulfillment does not become part of the rationale of education. The end of transmitting the English language may trump the interests of Innu students if the reasons balance out the right way. This, even if we have a moral responsibility to ensure the student is able to learn his native language! But on the composite account this can plausibly fall outside the mandate of education generally (and schooling more specifically).

(ii) So it perhaps worth exploring the idea that there *is* something categorical about education – a standard that trumps the more instrumental account encouraged by a composite concept of education. *Autonomous* conceptions are basically the opposite of composite conceptions. If composite conceptions work on the assumption that there is no coherent or definitive theory of value behind education, autonomous conceptions see education as being somehow representative of some unchangeable, ordered set of values. Take the example of an action that is morally unjustifiable. A teacher tries to indoctrinate his students. Could the action *also be* unjustified because of some

identifiable set of educational reasons? We could imagine that these would be such reasons that, *even if* the action were morally permissible, it would remain unjustified insofar as the action is being assessed in terms of its educational worth. If education were an autonomous concept, if it represented a distinct practical principle or form of value, this would mean that it would be wrong to indoctrinate people because it goes against the fundamental values that constitute education as an enterprise. But these are not properly seen as moral values, but a different set of values altogether. Perhaps the idea is that, as a matter of educational worth, people should rationally *consent* to the beliefs that they hold. Here, the fact that indoctrination is also held to be morally impermissible has no direct bearing on the illegitimacy of indoctrination from an educational point of view. If it turned out (as unlikely as it may be) that indoctrination is actually morally permissible (perhaps we were mistaken in our moral assessment), it would still be illegitimate in educational contexts. True, actions that are morally impermissible generally (like corporal punishment) are also impermissible in schools for distinctive educational reasons. Yet, on the autonomous account it would require a *separate* argument to show why corporal punishment is educationally illegitimate *in addition to* being morally impermissible.

The example could work the other way. A teacher spends much of his time preparing students against indoctrination. He encourages them to be critical. He spends hours getting them to probe arguments for contradictions, rejecting any argument that is not completely sound. Perhaps we could say that he has fulfilled a moral duty – a duty to protect the vulnerable from indoctrination. On the basis of an autonomous concept of education, it would not necessarily follow that what the teacher did was of any educational worth. Perhaps the autonomous conception proffered only sees those actions as having educational worth that involves the students learning specifiable

content. The teacher has failed to do this insofar as he has only taught his students formal rules of logic and argumentation.¹⁹

To sum: to say that education is autonomous is to say that the educational assessment of actions can only be determined by appeal to some (at present undetermined) educational principle or standard and not from other premises or principles. Consequently, decisions about state schooling and policy relying on composite justifications may be prudentially wise and morally permissible or good, but until they are justified on the autonomous grounds proffered, may have no identifiable educational worth. Moral worth, prudence and educational worth are three different issues.

(iii) *Nested* conceptions view the concept of education as being part of morality more generally, where the justifiability of an educational action, norm or policy is ultimately a moral matter. Here, an action is morally unjustifiable because of some identifiable set of educationally relevant reasons. However, unlike the autonomous case, where an action is unjustified on independent educational grounds (it has passed the test of moral permissibility but may actually fail the test of educational worth), in this last case, the action is morally impermissible because it is unjustified on educational grounds. Here, a failure to meet educational standards is a failure of moral duty or obligation. In other words, it would be the case that certain forms of moral impermissibility are directly related to educational grounds and that these educational grounds represent specific moral precepts. On this account, if indoctrination is impermissible from a moral point of view, it can never be seen as having educational worth, because educational worth is a certain kind of moral worth. On a Kantian

¹⁹ A rough 'real life' analogy to this distinction could be found in the debate between progressive and 'conservative' educationalists. E. D. Hirsh (1987), for example, argues that children ought to learn specifiable content as a part of any educational enterprise. Meanwhile, 'progressive' educators claim that the learning of such content ought to be *resisted* by students through the development of critical thinking (see Aronowitz and Giroux, 1988).

account, for example, education may derive its worth from the fulfillment of a societal duty of beneficence. Our fulfillment of this obligation is what gives educational policies their value. They are simply morally good. Because this model of justification is located within our practical reasoning about morality, this last alternative is termed a nested conception of education.

(5) Nested Conceptions: Further Implications

It is worth taking a closer look at how a moral account would be relevant in justificatory terms. If I characterize a teacher's actions as indoctrinatory, we can judge that the action was morally impermissible. But what does this judgement mean? What are the wrong-making characteristics of the action? We might say that the indoctrinatory activity is wrong for the reason that the teacher intended to train children to unquestionably accept a doctrine in the face of all countervailing evidence. To do so clearly seems to be wrong generally speaking (though this intuition alone does not justify this judgement). Indoctrination is wrong even if the context within which it occurs are seen to be educational. However, while it might be true that the indoctrinatory act is impermissible, it does not follow that this reason is the best way of explaining what is wrong about indoctrination in all cases. For example, if we say that indoctrination is wrong because it involves intentionally undermining a person's developing rational autonomy, this may be a *sufficient* reason for it to be morally impermissible, but it may not be *necessary* for making this judgement. Intentionality may not be what makes indoctrination wrong, at least fundamentally.

In this respect, the explanation may obscure an entire class of impermissible actions concerning how vulnerable persons should acquire their beliefs and values. For example, it also seems to be impermissible for indoctrination to occur as a result of

some negligent behaviour. The teacher, for example, may not have bothered to explain anything he presents as true in any great detail and simply emphasizes that the focus is on memorizing presented material, accepting its truth, and answering correctly on assessments. As a result, some of the students become indoctrinated in the same sense as the intentional case. Both cases are morally impermissible, but in the latter case it is clear that the teacher is not intending that the students become unquestioning adherents of a particular doctrine. In this case, the aim of the teacher is different – maximizing the success of the student's academic performance.

Clearly, we can have different views and make different inferences about the character of the teacher in each of the two cases. One is manipulative; the other is negligent. However, it seems also to be true that the teacher's aims or intentions are not always directly relevant to the justifiability of an action.²⁰ The neglect case seems to suggest that, at least for people in a developmentally vulnerable state, neglecting the proper development of their rational capacities fails to meet some moral standard or obligation. The intentional case of indoctrination is probably impermissible in interactions between any and all persons. But the 'neglect of rational capacities' case does not appear to have the same generality. It is not my duty to ensure that the rational capacities of all persons I interact with are sufficiently developed and maintained. I cannot be held at fault if, while teaching a new employee at the bank where I work, and through morally permissible training methods, the employee becomes a very competent but also slavish adherent to the goals of the corporation. Perhaps the employee had a predisposition to such attachments that I had not been previously aware of and had no reason to suspect. I have no reason to suspect this, but I may have reason to do so in educational contexts, because there seems to be some salient connections between vulnerability, rationality, and learning. As someone involved in guiding others through

²⁰ Much of the discussion on intention, permissibility and the meaning of moral actions is adapted from Scanlon (2008). See Chapters One and Two especially.

an educational process, I have a moral responsibility to guard against indoctrination as a part of that enterprise. Consider that if I am working in a context with vulnerable persons who are only beginning to develop their reason, failure to protect these developing rational capacities is properly classified as neglect and therefore impermissible.²¹ If our explanation of the wrong-making characteristics of indoctrination rested on intentionality alone, the normative stricture on neglect would have been overlooked.

Consider a third example, which I will label an ‘accidental’ case. Here, we have an instructor who teaches religious studies in a faith-based school. Unbeknownst to him and with no reason to ever suspect so, these teachings have been supplemented outside of the classroom by another teacher, who willfully encourages the children to unquestionably adopt, to the exclusion of all other evidence, the first teacher’s expressed religious views. As a consequence, the teacher’s students end up adopting the teacher’s religious views with an irrational fervor. Clearly, what the teacher has done in the third case is not morally impermissible. There is a difference of permissibility in cases one (intentional), two (neglect) and three (freak accident). Scanlon states this difference as follows: “What differentiates negligence from a freak accident...is not intent. What differentiates negligence from a freak accident is not the agent’s intention, or necessarily what the agent believed about the likely effects of his or her action, but what he or she *should have believed*, under the circumstances, about the likely effects of that action” (2008, p. 14). In the third case, the teacher had no reason to believe that indoctrination was a foreseeable consequence of his actions. And in the first case, it is

²¹ I think the neglect issue could also apply to fully grown adults that have gone through a traumatic event. After trauma people can manifest vulnerability in all sorts of ways, and we generally take this vulnerable state as a morally salient feature in our interactions with them. I make this point here because the normative considerations we must make in educational contexts apply as much to adults as to children. It is simply that the *probability* of vulnerability is likely higher in our interactions with children. But it would be odd to have one moral theory of justification for our dealings with adults, and one for our dealings with children.

true that the teacher's intention to indoctrinate was wrongful, but the intention is wrongful because the act intended is wrongful, and the act is wrongful because of its likely consequences, not directly because of the intention to indoctrinate. In the bank-training case, my permissible aim was to train the employee – I have no good reason to have believed that the employee would have become indoctrinated into the corporation's ethos. Similarly, *if* the teacher was aware that his students are potential targets for fundamentalists, a failure to prioritize the developing student's critical thinking about issues of faith would also be neglect, give the likely effects of his own teachings.²² So it seems clear that the intention to indoctrinate is certainly going to be wrong, but this is because the intended consequences are wrong. However, it is not *necessary* that indoctrination is what is intended, as is clear in the example of the negligent teacher. Some normative strictures forbid actions based on their foreseeable consequences and not their intentions.

The example above is meant to illustrate the fact that there are actions and policies that are unjustifiable for reasons *other* than the aims or intentions underlying the action or policy. The neglect-indoctrination example at least makes plausible the claim that there are some types of action that are morally impermissible because of likely side-effects and consequences that arise from our treatment of persons. The foreseeable side effects and consequences of an action are morally relevant and in some cases fundamental to the justifiability of an action or policy. The same may apply to social policy, where social policies that directly aim to undermine people's rational capacities *as well as* social policies that are simply negligent in ways that undermine the conditions necessary for the development of vulnerable people's rational capacities

²² I think this also means that if it were a fact that religious instruction does likely render people susceptible to indoctrination, this fact is not a sufficient reason to label religious instruction impermissible. It simply means that faith-based schools have a duty to make students aware of such dangers and prepare them for such in a way that undermines this susceptibility. The same principle would apply to *any* teaching that has such risks, not simply teachings based on religious views.

are impermissible. Composite justifications of educational policy would not necessarily grasp such a distinction. For example, social policies that are neglectful in the way described above may be seen as justifiable because the overall benefits of adopting them (perhaps they are politically easier to implement, or better for the economy) outweigh these other considerations. So long as the policies do not aim to undermine the rational capacities of the public, the policies would be (mistakenly) judged to be permissible on the false assumption that deliberately aiming to undermine such developing capacities is a *necessary* ground of moral impermissibility. And this approach clearly overlooks the positive moral duties we may have to persons involved in an educational enterprise, leading to an overlooking of neglect cases where these duties are not fulfilled.

Autonomous forms of justification are similarly problematic. Consider an autonomous educational principle stating that any and every justifiable educational policy must make the development of persons' rational capacities a fundamental educational ideal. According to this principle, *only* social policies that aimed to develop rational capacities would be of educational worth. Other policies that do not deliberately undermine or neglect developing rational capacities but prioritize other aims would be judged unjustifiable on the educational grounds offered by the principle. This would greatly restrict the ability of educational policies to respond to the many diverse needs and interests of pluralistic communities. It is too narrow. It would seem to suggest that an educational process should only pay mind to a very narrow set of obligations.

5.1 Education as a Moral Concept

The indoctrination example operates on the assumption that undermining or neglecting the developing rational capacities of vulnerable persons is a consequence or side effect of an action or policy that we could not accept. If we could accept such consequences, then the case for the impermissibility of neglect would not be so clear. For example, training someone to be able to follow orders unreflectively may be morally required in order to protect that person or other persons (a pilot's emergency training may involve such a reflex). For example, we are able to accept the idea of ingraining the reflex of unthinkingly buckling one's seatbelt whenever we get in a car. Television commercials that play on our sense of safety and rely on gruesome images of car accidents to drive this point home are at least permissible, even if some people find them distasteful. I think that the seat-belt case is a legitimate exception to policies that would otherwise be judged as impermissibly indoctrinatory. Regardless, my general point is that there are *some* consequences and side-effects of actions that make those actions impermissible – they are consequences that could not be reasonably accepted by others.

Accordingly, my central aim is to argue that the nested account of justification is the fundamental way to understand and assess the cogency of normative arguments about education. But as I have also argued, the challenges of post-foundational justification make the legitimacy of these points of reference problematic. The moral, social and political consequences of relying on foundational arguments about what is in the best educational interests for members of traditional communities such as those found in Labrador stand as one such example of this. While composite justifications don't really tell us anything meaningful about what education represents as an

enterprise, relying on an autonomous principle to ground educational arguments is equally problematic.

Most composite educational arguments, in my view, can probably be reduced to political or prudential questions about such things as state schooling, arguments that may in themselves have very little to say about education (as important as those arguments may be taken by themselves). But a so-called autonomous educational principle has its own problems. Judgements about what is the best way to raise our children, or what are the most worthwhile activities to engage in rely on a well-informed understanding of particular historical, political and cultural conditions. Presupposing a singular educational principle seems dubious at best and certainly risks leveling the important differences that lie between various ways of life. Alternatively, I will argue that the nested justification entails conceptions of education that *can* generalize across different forms of life *without* stipulating ideals of human development and flourishing that are insensitive to context or culture. Before proceeding with this case, however, I will conclude the present chapter by looking at one other account of educational justification.

(6) The Rawlsian Justification Scheme

Next I will provide a brief account of one particularly influential conception of education. This approach does not easily fit into any of the accounts given above. At bottom it is a *political* conception, not moral. The approach is worth exploring in some detail because it appears to satisfy the justification problem by appealing to some contextualized standard of educational worth. Such standards are labeled contextual because they are justifiable through appeal to reasons that do not have to be generally shared – in other words, the standard can be *accepted* by all persons, but the reasons

that each community member has for recognizing the principle is different. This justification scheme is exemplified in contemporary Rawlsian conceptions of education. I term 'Rawlsian' those views that concede that the liberal principles we hold as basic to our institutions cannot be generalized, even if they can be justified within liberal democratic societies. These principles will stand or fall by the extent to which they can appeal to the diverse political communities existing within the state.

John Rawls' *Political Liberalism* (1995) serves as a response to criticism that his earlier theory of justice failed to take into account the rise of pluralism in democratic communities and relies upon an idealized or selective conception of the person. This conception undermines liberalism's claim to be impartial in its treatment of reasonable conceptions of the good life.²³ Rawls responded by arguing that liberal principles do not have to be 'true', rather, they are those principles that would happen to overlap between individuals with very different notions of the good life but who are nonetheless willing to live together under fair terms of co-operation. Principles are effective because they set out what Rawls characterizes as a 'freestanding' political framework that provides pluralistic democratic communities with *stability* arising from consensus.

Political liberalism is non-foundational. Its underlying principles are suited to a particular form of community arising in a particular time and place, addressing a particular set of social challenges – namely, stability under conditions of democratic pluralism. The general principles do not have to be *justifiable* in the sense called for by Hare. They only need to be accepted from the perspective of each group's values and beliefs. Our reasons for supporting the principles will be different depending on our worldviews. Some groups, for example, might see the principles as having a theological justification not shared by other groups, such as secular communities. Political theorists find the framework appealing because it provides a defensible framework of basic

²³ See, for example, Sandel (1982) and Walzer (1985).

rights and liberties that had formerly been justified through an appeal to universalist moral theories such as those of Kant, theories that have been criticized as being *insensitive* to context and the particulars of different forms of life. Political liberalism, then, is the answer any of us should get when we find ourselves in a pluralistic community where members wish to co-exist in a peaceable fashion. In this respect, it seems to establish an end-point to an otherwise endless demand for justification.

Philosophers of education have also found this route appealing in defending educational principles and judgements. Here, Rawlsian principles of political liberalism are taken to be axiomatic and used as the basis for generating subsidiary educational principles and judgements. Harry Brighouse, for example, has derived two principles of education from Rawlsian principles of justice: the principle of personal autonomy and the principle of educational autonomy (2002). Educational policies are assessed on the extent to which they meet these second-order standards of social justice. While the two educational principles are grounded in political liberalism, they serve as distinct principles specifically tailored to assessing the educational worth of actions or policies. For example, one of Rawls' principles states that positions in society can only be unequal if such positions are open to all persons under conditions of fair and equal opportunity (also known as the difference principle) (1995). On this basis, the Brighouse principles call for equal educational opportunities such that all persons can equally strive for their chosen conception of the good.

Rawlsian principles of justice are defended as legitimate because they are thought to represent what we would supposedly agree to under conditions of a "veil of ignorance". The veil is designed to ensure that others could accept these principles irrespective of their own particular interests or world views. In this sense, Rawls recognizes that it is only through an impartial point of view that is abstracted from competing conceptions of the good that principles of justice can ensure the equal

respect and consideration of all persons. The impartiality of the process ensures that political principles apply equally to all persons. Yet, while education is claimed to be “a matter of justice, of individual right – a matter *prior* to the value of the good” (Brighouse, 2002, p. 12) the justification the Rawlsian framework is itself based on a certain sort of good – our desire to live in a stable, well-ordered community. True, a stable, well-ordered society *in the moral or justice-centered sense* would be legitimate in part because it would include those conditions by which individuals could pursue their conception of the good life. This could be one *part* of the justification scheme. But the stability gained through an overlapping consensus doesn’t really make any reference to the justification of the principles in any epistemic sense. Consider: if a stable overlapping consensus on principles of justice means that the principles are legitimate, it appears to follow that at most, the principles are justified only insofar as they function to create stability. So an overlapping consensus cannot really be taken to be an indicator of the legitimacy or justifiability of the principles unless we say that validity or legitimacy is the same as securing social stability.²⁴ And similarly, the legitimacy of educational norms, actions or policies must therefore be fundamentally grounded in social stability alone.

This returns to the problem of justification because, as the justification trilemma outlined above indicates, Brighouse’s educational principles are justified through an appeal to a framework that is itself in need of justification. The warrant, in the case of Rawls, are the principles that modern democratic communities should agree to if they were more cooperative in establishing what is in each group’s mutually beneficial interest.²⁵ However, consensus does not entail rightness – much depends on *how* the consensus was achieved and on what the common grounds were that allowed the

²⁴ For a more detailed discussion of this issue, see Habermas (1995), especially p. 120-123.

²⁵ Rawls sees political stability as comprising, among other things, a fair system of cooperation guided by reciprocity where “reciprocity lies between the idea of impartiality...and the idea of mutual advantage” (Rawls, 2005, p. 16-17).

consensus to be possible. The reply might be that the principles are right because they directly address such concerns – Rawls' procedure is in fact designed to reflect how one can arrive at a political consensus on liberal principles. But why is consensus the priority? Is political stability really *the* fundamental consideration in social policy about education? Is this why children and parents and teachers expect fair treatment by the school system? Is this what we mean when we claim that certain education practices are oppressive – that they undermine stability? Must students show how political stability is served when they advocate for their native language as a language of instruction? Are good educational reasons at bottom the same as reasons for political stability?

When adopted as a rational foundation for education, such principles can restrict what can count as good or non-arbitrary reasons. From a Rawlsian perspective, it probably *should* work this way. Principles of justice successfully overlap because they restrict themselves to regulating the basic structure of society – those basic institutions (such as schools) that are, at least on this account, necessary for pursuing the good life. This restricts our public reasoning to those issues that we can achieve an overlapping consensus on. And this may be a suitable model of political justice. However, by making education the exclusive purview of political principles, it is not clear how “education” can comprise anything *other* than institutions requiring political regulation. I am not suggesting that applying political principles to institutions such as schools is something we should not do. However, to rest deliberation on education policy at the political level potentially overlooks other normative considerations (Martin, 2010). This is particularly true in the case of actions and policies that draw their normative authority from sources other than political reasoning. Moral reasoning would be one such form of authority. We have reason to think that Rawls would agree with this qualification. As Rawls states, “[t]he ideal of citizenship imposes a moral, not a legal, duty – the duty of civility – to be able to explain to one another on those fundamental

questions how the principles and policies they advocate and vote for can be supported by the values of public reason. This duty also involves a willingness to listen to others and a fair mindedness in deciding when accommodations to their views should reasonably be made” (1995, p. 217). Even on a freestanding political conception, citizens each have at the minimum a moral duty to justify mutually binding claims.²⁶

In the Rawlsian framework, principles of justice apply to the basic structure of society alone. On this interpretation, the educational principles devised by Brighouse arise from the *application* of such principles to the institution of schooling. On my account, Brighouse’s principles do not exhaust the normative considerations we must make when formulating and assessing educational actions and policies. Principles of justice cannot generate educational policies, just as other formal principles, such as the Categorical Imperative, cannot generate moral ones. They are applied to the actions and policies that are proposed. Real citizens, not principles, propose these policies. As the reference to Rawls indicates, our principles and policies arise through our deliberations in the public sphere and through the public use of reason. When the policies we advocate must be vetted by a democratic legislative process in order to be implemented, the extent to which these principles and policies yield consequences consonant with principles of justice is *one* criterion that they must satisfy if they are to be seen as legitimate. Regardless, the educational worth of proposed policies and principles must be assessed in its entirety and only then does it make sense to see how such policies can be implemented in a way that accords with justice and fairness. In fact, if educational claims are moral in the sense that I will be advocating, such policies are not seen as being formed solely by citizens of a particular political community but by moral agents, all of who are worthy of equal respect. Educational policies must be socially just, but

²⁶ “Reasonable comprehensive doctrines are ultimately distinguished by their recognition of the burdens of proof, which enables groups with competing ideologies to accept – for the time being – a “reasonable disagreement” as the basis of their peaceful existence.” (Habermas, 1995, p. 125).

this is not a sufficient condition for a policy's justifiability. Schools must provide equal opportunities in order for social justice to be a political reality. And some of the educational policies that moral agents will propose will fail the test of moral permissibility because they violate agreed standards of social justice. But education and social justice are not the same thing.

(7) Discourse Ethics and the Justification of Education

If we want to properly assess the justifiability of educational aims and policies, we need a concept of education that has more fundamental normative force. Such a concept must be generated through appeal to reasons that do not rely on some arbitrarily chosen set of values, aims or foreseeable consequences and side effects. Nor can it be an irreducibly political concept. It should also explain why those consequences and side effects that are normatively relevant are more properly understood as educationally relevant. It should be able to explain what makes certain actions and policies impermissible in contexts of learning and human development. I claim that the best way to develop a justification scheme along these lines is through the third alternative outlined above – the nested alternative views education as a moral concept – a source of moral obligation. The nested justification approach seeks to identify specific, universal *moral* principles pertaining to contexts likely to have educational import. Its central claim is that the best way of constructing such moral principles is to focus on the rational acceptability of the foreseeable side-effects and consequences arising from our treatment of persons in vulnerable situations of learning, growth and human development.

Exactly what consequences could be rationally accepted? Why are they educationally relevant? While we may agree that education is moral in concept, what

particular conception of morality is at play, here? These questions will be addressed through a careful reconstruction of Jurgen Habermas' discourse ethical procedure of moral justification. On my interpretation, his moral theory offers the appropriate conception of morality. In the next chapter, I want to begin a case for this Habermasian approach by taking a closer look at the relationship between practical reasoning about education and education as a concept. Such a discussion must begin with R.S. Peters, whose work in ethics and education has particular relevance, both for a developing theory of moral justification and for Habermas' Discourse Ethics.

Chapter Two: R.S. Peters and the Concept of Education

I have argued that a legitimate and rationally justifiable conception of education must be developed through appeal to practical principle. But just what kind of practical principle? Is this a concept that represents some autonomous form of practical reasoning? Or is it situated *within* a form of practical reasoning such as morality or prudence?

I contend that generalizable educational judgements are fundamentally grounded in *moral*-practical reasoning, where such judgements refer to a specific class, genus or type of moral duty. These duties reflect moral obligations that ought to be fulfilled by *any* community. They are the kind of normative strictures that could sustain, for example, a rights-based account of education. However, such an account, if it is valid, requires a clear account of practical reason, the way in which such an account can support the justification of normative claims, and the relationship between these claims and the concept of education. The work of R.S. Peters figures centrally in this respect. Peters' work represents an ambitious attempt to address the relationship between the meaning(s) of the concept of education, actions and policies that fall under this concept, and the justifiability of such actions and policies. While Peters' work is interesting in its own right, it is worth exploring in some detail for a number of reasons. For example, Peters develops a procedural model of moral justification. In my view, this model of practical reasoning goes some distance in addressing the limits of foundationalism that I identified in Chapter One. Peters' procedural theory will be examined in more detail in the next chapter

In this chapter I undertake a rational reconstruction of Peters' project.²⁷ Such a reconstruction is necessary because, while I contend that he is right about the *concept* of education, the particular *conception* he offers is incomplete. On the one hand, he rightly identifies the concept of education as a problem about what it means to have been educated. He rejects the idea that, in order to answer such a question, one appeals to an autonomous domain of practical reasoning. He grounds the fundamental normative status of education in *prudence*, or reasoning about the good life.²⁸ I want to explore why Peters would arrive at such a conclusion as a means of clarifying where and why he goes wrong and in so doing develop a different approach

First, I will give an account of the relationship between the concept of education and practical reason as Peters conceives it (1). Peters is clearly a moral universalist, but the connection between his moral universalism and education is not always clear. Much of the discussion in (2) will focus on this ambiguity. It seems that Peters sees moral justification as having a primarily incidental relationship to educational justification. Basic or general moral principles are simply *applied* to educational contexts. Yet, Peters is sufficiently foundationalist to require an objective ground for educational justification, one that moral principles cannot supply. He therefore attempts to derive what I call a 'worthwhileness principle' as an objective principle of practical reasoning for questions of educational worth (3). For Peters, this principle is situated within reasoning about questions of the good life. As a consequence, his conception of education is focused on initiation into the good life. In (4) I argue that the principle of worthwhileness offers insufficient grounds for educational justification. I conclude that

²⁷ By 'rational reconstruction' I mean that the focus of my account is not to produce a thorough exposition of everything that Peters argued in detail, but to identify his major claims, elucidate why he proceeded to argue in the fashion that he did, and explore the consequences of this line of reasoning.

²⁸ However, the account of prudence that Peters offers is novel in that it posits a form of practical reasoning about what is objectively worthwhile for the individual as opposed to subjective wants or preferences. In this respect, the worthwhileness of an aim is what makes it attractive, as opposed to our finding the aim attractive making it worthwhile. Therefore, the account of education that Peters posits is founded on an objective conception of the good.

(5) Peters' procedural-communicative theory of justification is a more plausible means of addressing questions of educational worth.

(1) R.S. Peters on the Concept of Education and Practical Reason

What kind of practical reasoning is central to questions of educational worth? It is clear that for Peters actions and policies in educational contexts, like *any* action and policy, are subject to assessment through the *application* of rational moral principles. He certainly wrote approvingly (though not unqualifiedly so) of much of what universalist moral thinkers such as Kant and Kohlberg had to say. He had a firm grasp of transcendental argument (see in particular Montefiore (1986) Hirst (1986) and Kleing (1973)). Finally, his account of the moral life is most assuredly universalistic, as is clear from Paul Hirst's impressive overview of his work:

Basic to [his] account is a notion of rational universalistic morality as this has emerged from the clash of codes of living and competing views of the world as a result of social change and economic expansion. Reflecting about which view of the world was true, which code was correct, men came to accept higher-order principles of a procedural sort for determining such questions. By these means matters of morals came to be distinguished from matters of customs of law, codes could be criticised and revised, and men gradually became able to stand on their own feet as autonomous moral beings.

(Hirst, 1986, p. 31).

Peters' account of both the moral life and practical reason is by no means grounded in any speculative metaphysical perspective or noumenal/phenomenal doctrine. Rather, the universalistic core of morality is uncovered through the development of public and discursive means of addressing competing claims of how we ought to live together.

Individuals socialized in such a context soon discover that the interests and values defining their own life and community cannot simply be generalized across *other* communities – at least insofar as they wish to co-exist peacefully. Peters’ moral universalism is post-metaphysical, appropriately cautious and inclusive in ways that place it in good company with contemporary work in moral philosophy.

It is somewhat disappointing, then, that Peters’ attempt to extend a similarly sophisticated universalism into our understanding of education is not as successful, at least in my view. Here, Peters wishes to develop arguments that demonstrate how education is an enterprise separate and distinct from other ways in which persons are shaped and changed (1966, p. 32-35). The implied meaning in the use of the term ‘education’ is claimed to convey an undertaking directed at the development of a person *as* a person and not for contingent ends. If such an argument were to be successful, one might be able to understand education as a universal ‘right’. If education is about what is necessary for a person’s development, developing persons ought to have a right by virtue of *being* persons.²⁹

Nonetheless, while some aspects of Peters’ argument may be appealing in this respect, it is difficult to read such a project along lines that are appropriately sensitive to the dangers of universalism identified in the previous chapter. However, a detailed reconstruction of the relationship between Peters’ work in philosophical ethics and his conceptual analysis may go some way in showing how one *can* posit education as a concept with legitimate universalistic connotations. Finally, I will suggest that a change in the focus of Peters’ account of the relationship between the concept of education and

²⁹ This does not mean that education or human development must be reduced to basic needs such as food, water and shelter. Interests extend beyond basic needs. For example, if our intellectual traditions represent the best achievements of humankind, all persons ought to have an opportunity to be initiated into those traditions. I do not think Peters would use such terms, but I do think that he sees non-arbitrary educational actions and policies as those that are directed to the person *as a person*. The question is: other than basic needs, what are those aspects of human life, experience and development belonging to all persons without illegitimately imposing preferences or judgements of worthwhileness on others?

practical reason can provide important resources for engaging in a more plausible exploration of universalistic themes in education.

The attempt to establish a general concept of education was by no means unchallenged. W.H. Dray, for example, suggested that Peters' conceptual account of education is more a projection of his own values about what education should be (Dray, 1973, p. 38-39; Elliott, 1986, p. 43-44). There is the not unrelated concern that Peters' concept of education was 'essentialist'. These objections are perhaps part of the reason why one might read his work in universalistic terms, yet find that such a reading does not get one very far. On the one hand, Peters wanted to provide a conceptual analysis wherein we can actually understand what it is we are doing (or claiming to do) when we engage in those activities that we call 'educational'. On the other hand, he is too sophisticated a philosopher to be content to offer a conceptual clarification of education and leave it at that. He is well aware that as a *practical* philosophical project, a normative account of education entails more than a description of concepts, and in his reply to Dray he is quick to point out the limits of any singularly conceptual approach (1973. p. 43). Even if we are clear about what we are talking about when we use the concept of education, further work needs to be done to show how and to what extent such claims ought to take hold in the lives of developing persons.

This tension between Peters' *conceptual* analysis and his *universalism* comes out in two different passages, each of which is worth quoting at length. This first is taken from the 'conceptual' aspect of the spectrum:

'Morality' can be used as a classificatory term by means of which a form of interpersonal behaviour can be distinguished from custom, law, religious codes and so on. But in ethics and in the practical task of bringing up children, this does not take us very far; for it would involve us in the most feeble form of the naturalistic fallacy to argue that, because we term a form of behaviour 'moral',

this behaviour is one which should be pursued or encouraged. Nothing about what ought to be done follows from the empirical fact that we use a word in a certain way.³⁰

(1974, p. 255).

The second passage I see as taken from the ‘universalist’ aspect:

It is not to commit some version of the naturalistic fallacy by basing a demand for a type of life on features of human life which make it distinctively human. For this would be to repeat the errors of the old Greek doctrine of function. Rather it is to say that human life already bears witness to the demands of reason. Without some acceptance by men of such demands their life would be unintelligible.

(1981, p. 110-111)

I select these passages for their “comparative” value. Namely, they demonstrate that the conceptual mapping Peters engages in is not restricted to ‘educational’ terms. Moral language games, like educational ones, can benefit from clarification. The first passage is within the context of a critique of Kohlberg’s conception of morality. Here, Kohlberg’s usage of the term ‘moral’ is charged with being unwarrantedly *prescriptive* in presupposing a usage not always shared by others. On Peters’ view, Kohlberg can only merit such a usage insofar as we understand the more general justificatory framework within which such a language operates – for how else can one rightly say they are making a valid moral claim?

The second passage is a kind of methodological inverse of the first. Here we see the universalistic framework directly applied to ‘education’ itself. This latter passage is within the context of an argument about the rationale or justification of education and, more specifically, the value of endeavouring such a justification in the first place. The

³⁰ Peters (1966) at times applies this methodological point to his own transcendental deduction of moral principles.

case is made that there is a deeply immanent connection between educational policies and the justification of those same policies. To question the substance of the educational account that Peters offers *or* the value of giving an account *qua* account is to make a demand for reasons – a demand that presupposes the values of rationality that are “immanent” to the demand for justification itself (1973, p. 253). Here, the concept of education and the universalistic framework intersect. What I mean by this is that while practices of justification, generally speaking, presuppose certain values (such as a commitment to truth, for example) education is different in that it seeks to foster such values in persons. Education is on these grounds isolable from other human practices. I might presuppose similar values in other kinds of reason-giving discourse, but education is a different enterprise in that it directly engages with and promotes such values.

If such an account is sound, then we might be able to defend the institutionalization of educational processes as a distinct human endeavour. One might even be able to use such an account to advocate access to such a process as a matter of moral right.³¹ From a human rights perspective, this would mean much more than access to “schooling”. Shouldn’t everyone have an opportunity to understand the value of reason-giving, equality and impartiality - values that, on Peters’ view, make human community as we know it possible? Human life may always “bear witness to reason”, but education is what moves us from passive spectators to active participants. Of course, philosophers with a more contextualist sensibility should be rightly concerned with this line – haven’t we heard similar kinds of argument used to defend cultural imperialism, for example? The Innu peoples referred to in Chapter One, who were subject to a colonial school system, would certainly have reason to express similar reservations. In

³¹ Though I am not myself aware of Peters ever defending such a view, it seems to be a plausible consequence of his account.

the next section I would like to give a clearer exposition of how Peters arrives at this concept of education and assess something of its cogency.

(2) Educational Values; Values of Justification

Peters is not always straightforward on the connections between his analysis of the concept of education and his universalistic claims about autonomy, morality and practical reason. In *Ethics and Education*, for example, the conceptual analysis of education in the first part of the work seems to jar against the transcendental deduction of principles offered in the second part.³² Not much is presented in the way of a clear and sustained account of the relationship between the two.

In my view, the most significant aspect of what *is* offered is in the following: 'Education' has notions such as 'improvement', 'betterment', and 'the passing on of what is worthwhile' built into it. That education must involve something of ethical value is, therefore, a matter of logical necessity. There is, however, no logical necessity about the particular values ascribed to the variable of 'being worthwhile'. The justification of such values, too, must go beyond the realm of conceptual analysis into that of ethical theory.

(1966. p. 91).

I take Peters to mean that while our talk about education presupposes value, what *is* of value is to be decided through practical reasoning. It is exactly at *this* point where the conceptual analysis and the universalistic framework come together. Either the grounds upon which we justify our educational values are fundamentally dependent on the local cultural and historical context *or* we can make the case that there are certain universal values intrinsic to education. Any conception of education would have

³² Peters' transcendental argument is covered in detail in Chapter Three.

to reflect such universal values. On a more contextual conception of education, for example, a sufficient justification for science in the curriculum could be that it somehow reflects our shared, liberal democratic tradition. Having scientific understanding, for example, could be defended on the grounds that there is something about having a scientific understanding that could allow one to flourish in modern democratic communities. In the “universal value” case, the value of science rests on grounds relating to the way in which science reflects values intrinsic to education itself. In this latter case, our *reasons* used to justify scientific understanding would be more abstract and general in scope, for they would necessarily refer to a standard that transcends any particular context or conception of human flourishing. The study of science might, for example, be claimed to result in “betterment” regardless of time or place.³³ Alternatively, one might argue that scientific reasoning is representative of a certain quality in critical thought and reason-giving, a quality of discourse to which all persons with a capacity for practical reasoning should have some exposure. But there is nothing about science that is *itself* of value in this later case, for there are arguably other pursuits that could achieve the same educational end. In any case, the kinds of reasons for justifying educational judgements on an intrinsic account would have to extend to any and all contexts. In other words, arguments used to rationally justify claims about education would have to appeal to a kind of objective *educational* principle, similar to the sense in which universalistic moral claims must accord with an objective *moral* principle.

Such an account cannot be grounded in the conceptual logic of education alone.

This is exactly the kind of mistake that Peters sees progressivists as making:

³³ Such a claim may or may not presuppose a universalistic conception of human flourishing. But even if it does and the conception is a cogent one, it still remains to be explained why we must be morally obligated to ensure that others have an opportunity to flourish in such ways. See in particular the introduction of this work.

[G]rowth theorists pondered on the concept of 'education' and mistakenly puffed up some minimal conceptual intimations into a procedural principle. More probably their concept of education was moulded by their consciences; for they were morally indignant at the lack of respect shown for children as individuals...

(1966, p. 42-43).

Here the objection is not to progressivism as such, but to a flawed model of justification where certain conditions derived from the mapping of a concept are taken to be ideals to be pursued. So, for example, the fact that the concept of education entails a degree of voluntariness for those involved in an educational process is "inflated" into the educational ideal that all teaching practices ought always to give children the maximum freedom possible.

Even when such pitfalls are clearly identified, such a justificatory project is daunting. If the concept of education is to represent an objective standard, Peters needs to develop an argument showing how his own proffered standard for educationally justifiable judgements is not covertly contingent or conventional.³⁴ Peters' theory of justification holds some promise here.

Yet, as promising as it may be, the transcendental theory of justification developed in *Ethics and Education* is not made in reference to any particular conception of education. Accordingly, the moral principles of practical reason that Peters derives through his transcendental argument could be applied to any kind of rational justification, not just educational justifications. Hence the educational relevance of Peters' procedural principles can only be determined through an application of such principles to educational contexts. Objective principles of practical reason regulate all action,

³⁴ "Most writers dealing with 'the aims of education' persuasively parade the particular values which they commend such as 'the self-realization of the individual'; but they have little to offer in the way of justification." (1966, p. 91).

including action in educational contexts. *Ethics and Education*, for example, devotes large tracts to showing how principles such as the principle of freedom are appropriately applied to classroom practice. For example, one ought to curtail the immediate desires of children so they can exercise greater freedom in a rich educational context (p. 192- 198). But freedom, like justice, is still “an independent principle”, autonomous from educational concern except as a matter of *post hoc* consideration. There is nothing educationally ‘special’ about any of these principles.

Consequently, while a universalistic account of practical reason is used to justify the *moral* principles regulating action in educational (and all other) contexts, at this point no case is made showing how or even if education meaningfully relates to objective principles of practical reason. But this is exactly where such an argument is needed. There is an important difference between an argument that shows, on the one hand, how moral-practical reasoning can place constraints on an action or policy, and on the other hand an argument that shows why the action or policy is *itself* an educationally worthwhile undertaking. Peters is sufficiently Kantian to hold that any practical activity presupposes the validity of a moral framework in that individuals are to be treated as having equal moral worth. But such a framework by itself tells us nothing about the extent to which the activity is of educational worth in its own right. To rest the case at this point invites objections that are similar to the charge of “empty formalism”. As I argued in Chapter One, the categorical imperative that one ought never to indoctrinate may be a generalizable and applicable claim, but there is nothing in the imperative by itself that tells us anything about education. It simply means that one ought not to indoctrinate. The imperative makes no reference to education as a practice offering reasons for why one ought not to indoctrinate – that is, if there are reasons for why one ought not to indoctrinate, they are at most parasitic on or derived from a prior, general moral conception. At most one can simply say that indoctrination

in an educational context or any other context is morally impermissible and hence irrational. But the normative force of this claim comes from the general moral framework, not from any understanding of what education represents as an enterprise.

Additionally, while a universal, formal moral framework can constrain a practice, it does not *immediately* offer much in terms of why some permissible practices ought to be adopted over other permissible practices. From the standpoint of the general moral point of view that Peters adopts for the purposes of his analysis, learning poetry *or* push-pin could be permissible. While we might have reason to object to this limited role (as I will do so later), Peters assigned morality a primarily prohibitive role in education.³⁵ Consequently, Peters has to look elsewhere for his universalism: if moral judgements are distinct from educational judgements, are there intrinsically educational reasons for the adoption of some practices over others? If so, could such judgements be based on reasons other than mere economic utility, effectiveness or accordance with public sentiment?

In other words, a context-transcending justification is necessary for any meaningful universalistic conception of education. Otherwise whatever it is we make of education can be adopted or abandoned depending on the sentiments of a society at a particular time and place. It has no obligatory status or normative force. Without such a justification, normative arguments about education ultimately become a subjective matter of *prudence* or *goodness* as opposed to objective universal rights or duties.³⁶ Education might be properly described as involving an initiation into worthwhile activities, for example. But is education in any way a *universally* worthwhile activity to

³⁵ As I will argue, morality does not have to play an exclusively prohibitive role. Even if it does, a more careful examination of moral judgement shows that such judgements can be educationally meaningful. However, Peters does not take this point of view and therefore has to go in other directions to ground his account of educational judgement.

³⁶ As an example see Peters (1973, p. 28).

the extent that communities could be obligated to undertake that initiation, regardless what existing traditions might otherwise recommend?

How Peters handles the case for worthwhileness is crucial to understanding why and how he sees education in universalistic terms. For Peters, education refers to an initiation into worthwhile activities. Yet, the foundationalism within which Peters situates his argument renders any conception of a good education a contextual one insofar as such conceptions rest on values or principles that cannot be generalized. In other words, our chosen conceptions of the good taken by themselves are subjective and cannot be used to establish worthwhileness. Yet talk of worthwhile activities seems to inevitably tie into *some* objective notion of the good. If education must refer to worthwhileness, and judgements of worthwhileness must presuppose the good, the concept of education must be based on a standard held common between any and all such conceptions (even when posited in the abstract form of a practical principle). And we have reason to think that this concept of education can accommodate many different conceptions, depending on the culture and traditions at play in particular cases. But there must be some minimal justification or principle for why individuals *ought* to be initiated into worthwhile activities, whatever they may be and however varying they may be. Does Peters have an argument for *this*?

He certainly attempts as much. Peters grounds the case for what educational processes *ought and can* do in a positive sense in his well-known transcendental argument. The cogency of a generalizable conception of education rests primarily on this next step. What I aim to show in this next section is that the argument for worthwhileness is best understood as an attempt to establish a general *principle* of worthwhileness – a context-transcending practical principle having the same universal status as the other practical principles that Peters derives. This principle is the rational standard to which the concept of education is supposed to refer. Accordingly, on Peters'

account this principle is an autonomous principle of *prudence or goodness*, not a universalistic or public morality.

(3) Education: Lost between the Moral Life and the Good Life?

Peters sees educational actions and policies as constrained by a rational, universalistic morality. This is in part derived from his assertion that any justifiable account of education must be grounded in “ethical foundations” that are non-arbitrary. These foundational principles are not metaphysical givens, but those that *all persons* could adopt without contradiction because they are presupposed by any reasoned action. Rendered in this way, however, educational processes stipulate little in terms of positive rights or duties.³⁷ Education is primarily a matter of *goodness or prudence*, not moral principle.³⁸ Moral principles may happen to be instrumentally useful in promoting the good due to their ordering influence, but otherwise have no intrinsic connection to educational processes (1966, p. 196). It is important to be terminologically clear, here. By ‘prudence’, I (and I also believe Peters) mean questions about the good – of how one wishes to live and flourish. These questions are distinct from questions of moral rightness. Habermas uses a similar distinction, where ethical questions relate to questions of the good, and moral questions refer to questions of moral rightness (Habermas, 1990). Habermas characterises such questions as follows:

One will be able to choose between pursuing a career in management and training to become a theologian on better grounds after one has become clear about who one is and who one would like to be. Ethical questions are generally

³⁷ “It has been argued that the concept of ‘education’ intimates no special processes, though it may rule out some. Nevertheless, it may be possible to justify on ethical grounds principles such as fairness and freedom in dealing with children.” (1966, p. 92).

³⁸ “I take the concept of ‘education’ to be *almost* as unspecific in terms of content as something like ‘good’ or ‘worthwhile’, with the notion of ‘transmission of’ or of ‘initiation into’ prefixed to it” (1973, p. 43).

answered by unconditional imperatives such as the following: “You must embark on a career that affords you the assurance that you are helping people.” The meaning of this imperative can be understood as an “ought” that is not dependent on subjective purposes and preferences and yet is not absolute. What you “should” or “must” do has here the sense that it is “good” for you to act in this way in the long run, all things considered. Aristotle speaks in this connection of paths to the good and happy life.

(1993, p. 5)

These kinds of questions can be distinguished from moral questions:

Only a maxim that can be generalized from the perspective of all affected counts as a norm that can command general assent and to that extent is worthy of recognition or, in other words, is morally binding. The question “What should I do?” is answered morally with reference to what *one* ought to do. Moral commands are categorical or unconditional imperatives that express valid norms or make implicit reference to them. The imperative meaning of these commands alone can be understood as an “ought” that is dependent on neither subjective goals and preferences nor on what is for me the absolute goal of a good, successful or not-failed life.

(1993, p. 8)

I think that it is the former kind of question that Peters sees education as primarily being responsible for, and this is exactly why he is engaged with important questions of worthwhileness – what objective criteria are there for judging what is worth passing on or worth doing in all cases, and how might this dovetail with what it is we are trying to capture when we speak of education in a general sense? In other words, is there some kind of general procedural principle guiding education’s task of initiating persons into

the good life? The extent to which our deliberations can be guided by an objective principle on this matter is no doubt complex. On the one hand, modern pluralism reveals the limited scope of any *one* conception of the good. On the other hand, conceiving of education as a good-transmitting process is fairly empty if there are no criteria by which we can judge which goods are to be transmitted.

In order to secure the right level of generality and objectivity, educational actions and policies must somehow meaningfully link with practical principles. Standards of worthwhileness, like standards of moral reasoning, need to be lurking among the foundations of practical reasoning itself. If science is worthwhile, for example, it will be worthwhile because of its immanent connection to universal qualities intrinsic to practical reason. Unlike moral principles whose protective role ensures that developing persons are treated in terms of moral respect simply by virtue of being a person, an objective principle of worthwhileness would refer to the educative value of initiation of these persons into certain types of activities. In other words, questions of educational worth are ethical questions in Habermas' sense of the term.

Why are judgements of worthwhileness not simply sublated to or nested within the moral sphere? Would it not be more straightforward to leave universal educational standards as a matter to be regulated by a universal moral framework? On this view, educational worth would primarily be a moral question. An important development in the move away from this kind of sublation can be found in an earlier paper, co-authored with A. P. Griffiths, called "The Autonomy of Prudence" (1962).³⁹ As the title suggests, the thrust of the paper is to show that, contrary to an empiricist reading of Kant's project that suggests that morality is only practical insofar as it is prudential, judgements of prudence are themselves an autonomous employment of practical reason (p. 162-163). The argument, briefly stated, is that assessments of the rational force of

³⁹ I would like to thank John White for directing me to this particular work.

an action or judgment must be undertaken through an evaluation of the ends (and the means that are employed to achieve that end). This applies to both moral and prudential maxims. However, the kind of prudential judgements that Griffiths and Peters have in mind are claimed to be different from Kant's hypothetical imperative, where the rationality of actions directed to particular and subjective ends is assessed by the degree to which the action accords with the practical necessity entailed by the willing of that end. Between an autonomous morality and technical prudence is a practical reason of private prudence: "Such judgements of private prudence, it is clear, go beyond anything the agent seems himself to want, or actually does want, and concern what he ought to want for himself, and that a wiser person would find satisfaction in" (p. 167). This goes squarely against Kant, for Kant sees objective principles of practical reasoning as having two forms alone: either by a hypothetical imperative where an action is good merely as a means to something else, or a categorical imperative where an action is in itself good (Kant, p. 25; 4:414-4:415). Griffiths and Peters rightly think that if there is a third objective practical principle by which an individual's ends can be assessed, they can secure the autonomy of prudence and "the most general procedural principles of technical prudence" (Griffiths and Peters, p. 171). They then try to secure the autonomy of prudence by deriving its transcendental necessity: questions of prudence necessarily presuppose the rational assessment of certain wants (p. 175) and that such a rational assessment is possible insofar as there must be certain activities in which one must participate in order for one to be able to engage in this kind of reasoning (activities they claim to be formally analogous to these same kinds of reasoning) (p. 177). On the reading I offer, Peters is here setting out the *objective* conditions through which a person can rationally assess a plethora of *subjective* ends.

For Griffiths and Peters, judgements of "private prudence" are objective, practical, autonomous judgements of goodness that are *outside* the sphere of morality.

This early version of the worthwhileness argument will have implications for Peters' later work because it leads to the (in)famous transcendental deduction in *Ethics and Education* of what are supposed to be universally worthwhile activities – activities such as literature and science that one ought to participate in in order to be able to make judgements of “private prudence”.⁴⁰ These activities seem to be the “formally analogous” activities alluded to in the earlier article. The reasons justifying these activities are autonomous from the moral sphere, and perhaps go some way to explaining why the moral-practical principles Peters identified in *Ethics* are thought to have no intrinsic connection to the concept of education, while the worthwhileness principle *does*. Here, the transcendental argument derives an objective educational principle showing why one ought to chose end/activity A over end/activity B on “private” prudential grounds. However, rather than prescribe our ends in a way that would undermine the plurality of subjective ends proffered by differing conceptions of the good, the principle simply shows that in order to make reasoned choice between competing ends it is necessary that one first develop a reasoned understanding of judgement itself, and this involves initiation into theoretical forms of knowledge.

On this view, Peters seems to be relying on what I would call a worthwhileness principle. It is this principle that supplies a missing objective standard for making educational judgements. For example, in leading children through a science experiment the intention, means and end informing my actions can be non-contradictory in a way consonant with the moral law: I treat the children with respect, I teach them in a way that does not undermine the development of their autonomy and so on. But science could be plausibly dropped as an activity and replaced with some other activity without contradicting the moral law. It is difficult to say what might be wrong about this on educational grounds, either. So: why do science? The question remains because, while

⁴⁰ I assume a familiarity by the reader with this argument.

education may in some way be connected to worthwhileness, we as yet have no reason for why we cannot replace science activities with something else (perhaps anything else) taken to be worthwhile. The worthwhileness principle aims to supply such grounds. Here it is not so much the case of learning science versus bingo, rather, the principle provides reasons for why learning science is something that developing persons should experience if they are to be able to pursue a good life. To deny them science is to deny initiation into a form of knowledge necessary for making judgements about goodness or “private prudence”. In effect, the practical principle of worthwhileness is the objective educational principle necessary for any intelligible and generalizable conception of education.

If worthwhileness is “built into” the concept of education and if the initiation into certain worthwhile activities is presupposed in the form of a transcendental principle of worthwhileness, then there is something about educational worth that is universal – worthwhile activities are those processes that ensure that universally necessary forms of knowledge can be accessed by all persons. Accordingly, society has an obligation to ensure that such opportunities are in place. To say one should learn literature is to make an educationally relevant and generalizable claim because according to the principle literature is necessary for making judgements of worthwhilness. Accordingly, those who take on the role of ensuring that such a societal obligation is met do so because through teaching literature they satisfy the educational principle of worthwhileness. Educational processes are universally valid because they are necessary for any form of rational human life (1966, p. 162-163). And so the principle of worthwhileness is meant to express an aspect of ethical-practical reason that has direct educational relevance for developing persons. This assumes, of course, that initiation in practical reasoning of this sort is universally good. But how well founded is this claim?

(4) A Life of Rational Principle: A Generalizable Ideal?

How defensible is Peters' argument about educational worth? Even if we buy into the transcendental argument as a method, there are other problems. While one can derive practical principles through transcendental argument, Peters see the adoption and institutionalization of those principles as an ethical standard: "[T]o have the concept of a person is to see an individual as an object of respect in a form of life which is conducted on the basis of those principles which are the presuppositions of the use of practical reason" (1966. p. 215). On the one hand, it is possible to interpret the previous passage as simply saying that these presuppositions underlie any form of life, forming the basis of respect for persons. But it can also be taken to mean that one should adopt such principles as an ideal of human flourishing and excellence. Bonnett (1986) rightly picks up on this shift and its implications for Peters' account of education:

The development of mind for Peters then ultimately consists in the internalisation of the standards of rationality where rationality itself, as has been indicated, is seen as a phenomenon in social life...[E]ducation is certainly not to be construed as consisting in mere sets of abstract principles, but something more akin to a form of life in which they are embedded and which they enable.

(p. 114-115).

Even if we can safely say that the rational principle that Peters derives is objective and generalizable in scope, why does it then mean that a *form of life* based on such principles is universally valid and applicable? Bernard Williams argues that approaches such as these overstate the role practical reason should have in our lives:

[T]he drive toward a *rationalistic conception of rationality*...imposes on personal deliberation and on the idea of practical reason itself a model drawn from a particular understanding of public rationality. This understanding requires in principle every decision to be based on grounds that can be discursively explained.

(1985, p.18).

There is a crucial difference between presupposing norms of practical reason and institutionalizing those norms in terms of an ethos to be celebrated by all communities. What one needs to flourish depends on all sorts of contextual features. Accordingly, an account of educational processes whose universal justification is grounded in an endorsement of such a rationalistic ideal of human flourishing is open to objections ranging from its justificatory shortcomings to the moral and political implications of institutionally imposing such a process on more traditional communities that may not see “the situation of practical reason” as all-defining.

Practical principles can help us to reason out what one ought *not* do in an educational process (indoctrination, for example, is itself a self-contradictory violation of norms of practical reason). Reason-giving, deliberation, and the pursuit of worthwhile activities are fundamental to any form of life. Interference with our ability to develop such capacities is morally abhorrent. But positing an educational process that takes such capacities to be of *central value* in a well-lived life is a different kind of claim.⁴¹ Consider what Peters says regarding the justification of the curriculum in the context of his transcendental argument:

⁴¹ See, for example, John White’s *The Aims of Education Restated* (1982).

To ask the question ‘Why do this rather than that?’ seriously is therefore...to be committed to those inquiries which are defined by their serious concern with those aspects of reality which give context to the question he is asking.

(1966, p. 164).

Note the shift in Peters’ language. Practical questions presuppose the critical assessment of reasons, but does it also entail a “commitment to inquiry”?⁴² What a principle of worthwhileness suggests at most is that it would be self-contradictory to ask practical questions and ignore relevant information that could lead us to the right answer. It might mean that educational processes cannot legitimately prevent children from developing the ability to ask, answer and assess the evidentiary reasons necessary in the pursuit of such questions. It does not mean that every educational process ought to posit rigorous intellectual scientific inquiry as a life-ideal. Not everyone wants to or ought to live life like a hard-boiled Private Investigator or a scientist. For example, does this also mean that individuals who are mentally impaired and unable to commit to rational inquiry are somehow ‘failures’ in their desire for a good life? Surely not.

A comparison to the moral law is again useful here – moral deliberation might presuppose the categorical imperative as an objective practical principle of judgement, but we do not infer our moral obligations *directly* from such a principle. In other words, (at least for Kant) we do not presuppose a particular moral code in the asking of the moral question. Rather, we propose maxims and submit them to the CI test. If they pass the test, we may adopt them. Similarly, an objective educational principle of worthwhileness does not directly tell us what is worthwhile. It simply establishes that learning about what is worthwhile between competing alternatives presupposes that one be informed by a reasoned understanding of the various alternatives open to him or her.

⁴² On the moral, social and political limits of such an ideal of human flourishing, see “Norms and Values: On Hilary Putnam’s Kantian Pragmatism” in Jurgen Habermas’ *Truth and Justification* (2005).

In the context of a traditional society, for example, such deliberations might mean a reasoned understanding of the many pursuits available to its members (hunting, fishing, gathering, story-telling, carving etc). It does not necessarily mean scientific reasoning or literary theory. I am not here advocating for an entirely contextualist position. What I am claiming is that what *is* context-transcendent is at most those most formal features of scientific inquiry, not the content or the value of scientific inquiry *itself*. In a pre-industrial society a similarly reflexive, truth-seeking discourse could occur in the context of their valued pursuits without an explicitly scientific investigation even taking place.⁴³ Peters shifted the emphasis from morality to prudence in order to provide a more meaningful and substantive conception of what it means to be educated. In actuality, we seem to have supplanted one kind of empty formalism for another. It is not plausible, in my view, that one can legitimately derive a substantive set of universal educational aims on the basis of an abstract goodness principle any more than one can do so on the basis of an abstract moral principle. In either case one simply ends up projecting one's own conception of the good or the right. It is telling, for example, that in his analysis of worthwhileness, Peters characterizes our proper understanding of it as a Socratic attitude, where one must have a passionate concern for truth (p. 165). In other words, the fact of practical reason is deftly rendered into an idea and an aspiration.

Peters tries to use the values immanent to the use of practical reason to fill out a quite empty concept – initiation into the good. These values were then used to justify the claim that some aspects of educational actions and policies, such as an engagement with specific worthwhile activities, have universal import. On the assessment I have offered, such a project is unsuccessful. However, I do think that Peters was moving in the right direction. In this final section of this chapter, I would like to suggest how

⁴³ Although it does remain possible that scientific methods could be employed incidentally, I think Peters is open to this interpretation when he says that a person could have their thinking differentiated into different pursuits such as science or historical awareness, or such forms could “be only obscurely intimated in an undifferentiated way” (1966. p. 164).

Peters' account could be used to support a generalizable conception of educational actions and policies in a *moral* context. I argue that Peters thought that the principles he saw as foundational to practical reason could serve as a standard of legitimacy for educational processes, where commitment to such principles secured the necessary conditions for human flourishing. In the account I offer, I would like to show how educational processes can be seen as having a key role in securing necessary conditions for practical reasoning itself. On this view, practical reasoning is a competency, access to which is a morally relevant concern. This case cannot proceed without help from Peters, however. While he takes practical principles as setting a standard for excellence in human reasoning, he also assigns to them an important public and *communicative* role. I argue that a greater emphasis on this communicative aspect of practical reason is a more fruitful line of argument to develop.

(5) Communication and Practical Reason: A Way toward an Educationally Relevant Moral Universalism?

Rather than positing a transcendental ego that imposes structure on experience, Peters is keenly aware of the social development of mind. Yet he also anticipates contemporary thought in Kantian ethics by denying that such a “detranscendentalized self” entails a completely empiricist account (1966. p. 46-51). More specifically, the self is a *socialized* and *intersubjective* self formed through participation in public language and communication (1966. p. 50-51). On this view, I become aware of myself as a self through reciprocal communication with others.⁴⁴ Rather than endorse an atomistic conception of the person, we have an intersubjective self formed through engagement with a social context. The types of practical questions that Peters focuses

⁴⁴ For a more detailed account of such a process, see the many works by George Mead as well as Habermas (1992), in addition to Chapter Five.

on in his transcendental analysis (what ought I do?; why do this rather than that?) can be understood as public questions that can only be resolved through deliberation with others.

The practical principles that Peters subsequently identifies are crucial here because they are derived from presuppositions underlying any public communication. These presuppositions are communicative and those which persons *must* make if they are to reach mutual understanding with others.⁴⁵ Consequently, they are regulative and constitutive of the public world that all individuals are initiated into. On this view, public practical reason is the means through which persons become persons and through which they secure their unique identities. Consider how the principle of worthwhileness works on this interpretation. It becomes clear that when I ask the question ‘what is worthwhile?’ it makes little sense to posit the question from the standpoint of some solitary, atomistic agent.⁴⁶ Activities and practices are social in nature, and so an assessment of their worthwhileness can only take place in a shared evaluative context with other persons. The interpretation of my interests, needs, preferences and long-term goals is formed through my practical deliberation with others. I ask for advice. I contrast possible alternatives and life-experiences. I assess their interpretations within the context of my own unique situation in life. Yet, while the decision to choose one life-plan rather than another takes place within the context of the traditions of my community, the practical reasoning through which such an informed decision is made possible by a far more general competency.

Consequently, a continuing process of open deliberation and reciprocal communication is necessary for the possibility of practical reason (1966, p. 225-226).

⁴⁵ This is what Jurgen Habermas would refer to as communicative reason. My interpretation of Peters from here on in is largely based on a Habermasian framework. This will be the focus of Chapter Three and Four.

⁴⁶ This is in contradiction to Peters’ early work on private prudence, where what I ‘ought’ to want as opposed to what I ‘ought’ to do morally is distinguished by the fact that in the former, what one ought to do only affects the individual (1962, p. 179).

Through the use of practical reason, one presupposes that there will be properly constituted public procedures of communication and at the same time presupposes these procedures will persist over time (though they may also of course, be revised).

Consequently, practical reason is a kind of universal, context-transcendent tradition that needs to be maintained and handed down.⁴⁷ On this view, “developing centres of consciousness” need to be initiated into such a tradition. Here, a communicative interpretation of practical reasoning is one in which moral norms can be tested in an open procedure of moral argumentation; a space where informed choices relating to the good life, worthwhile pursuits and one’s own self-understanding can only be realized through interaction with others.

I think that starting with this account of initiation can move us closer to a generalizable concept of education. Rather than an account based on activities claimed to be good for the flourishing of all persons, we can instead identify those moral obligations we have to any and all individuals learning to become members of the community of practical reason. Practical reason is that through which persons can become individuals *and* stand as equal members in a larger moral community. The process as conceived would be representative of a generalizable standard insofar as it does not promote a single conception of the good, but positive insofar as it identifies a kind of initiation to which all persons have a right by virtue of their inclusion in the human community as a matter of moral principle. We can then distinguish a reasoned educational process from contingent educational aims by the former’s active role in ensuring that such a moral standard of initiation is met. When we speak of education from a universalistic moral point of view, we are presupposing that our educational institutions and policies are designed in such a way that persons are able to learn to participate in practical reason such that they can capably form their unique identity,

⁴⁷ Krassimiar Stojanov arrives at similar conclusions about the viability of Peters’ project, though the focus of his analysis is based on the work of Axel Honneth as opposed to Habermas (2010).

freely represent their interests in moral deliberation, and engage in communication aimed at mutual understanding with others.

We can take the principle of consideration of interests as one such example. Such a principle is educationally meaningful and relevant because the validity of a moral judgement rests on the recognition of the needs and interests of others – vulnerable, developing centres of consciousness have a right to learn to be able to represent their interests and the interests of others within moral argumentation. Such a competency is presupposed in the use of practical reason – when I represent my interests I presuppose that I as well as all others ought to be able to learn to represent their interests in a competent way. The principle of worthwhileness is another example. When teachers or policy-makers make judgements about what is a worthwhile activity in an educational context, for example, they also presuppose that all other persons should be able to make informed judgements about worthwhileness. This means having an opportunity to communicate with others about such alternatives, to be able to consider the experiences of other persons and to make well-informed judgments on the basis of such practical deliberations. Accordingly, representing interests and evaluating worthwhileness involve demanding competencies not naturally acquired. It requires opportunities to experience a well-ordered social life with other persons where one is free to learn how to reflect and reason about possible life choices, exchange unique perspectives, explore biographical differences and establish a critical distance from one's own immediate context. Accordingly, any process that wishes to call itself educational must reflect such demands. The contradiction in denying children these experiences is not that the denial of a particular activity contradicts the worthwhileness principle; rather, making judgements about what is worthwhile for others without affording them the opportunity to develop similar competencies for judgement is self-

contradictory. I think this stricture hits on the right level of formality and generality without being entirely meaningless and irrelevant from an educational standpoint.⁴⁸

All this may seem abstract as rendered, but when we compare the extent to which opportunities for initiation into non-coercive, communicative practical reason are possible within our overcrowded classrooms, narrow curricula and performance-based orientation, we can quickly see the particular ways in which our current institutional arrangements miss the mark, however generally stated these requirements are.

What is offered here is only a basic outline. Such an account would have to be able to show why a communicative interpretation of practical reasoning is more plausible than a foundational one, particularly in light of post-foundational scepticism about the universality of moral judgements. Furthermore, the ontology of the social and intersubjective self that is only briefly sketched above is in need of greater justification. Finally, a detailed case needs to be made for why initiation into practical reason can be understood as a ground of moral obligation, and not simply a theory of the good. What I have shown is that the concept of education cannot be about the good simply. I will now continue the discussion of Peters' work by focusing on his communicative conception of practical reasoning and assess its cogency.

⁴⁸ Of course, exactly what kind of competencies we are talking about remains to be spelled out. This is undertaken in more detail in Chapters Six and Seven. In the meantime, however, we can speak of 'competencies' in a broad sense, meaning that *whatever* one needs to be able to participate in practical discourse must not be stifled. My acknowledged bias is that this is primarily a *cognitive* competency.

Chapter Three: R.S. Peters' Theory of Justification: From the Moral to the Epistemic

R.S. Peters' justification of education follows a scheme similar to the one that I proffered in Chapter One. Peters rejects the idea that educational judgements represent an autonomous domain of practical reasoning – that actions and policies can be justified through appeal to a formal practical principle distinct from either morality or prudence.⁴⁹ Nor is his concept of education composite. For while we may judge certain actions to be morally permissible, a judgment of permissibility does not immediately contribute to the normative force of an educationally relevant claim. So it would be wrong to say that an action is *more* educationally worthwhile because it is of moral worth. This seems to require an artificial separation between moral value and the value of educational processes. Instead, Peters' justification scheme runs along lines similar to what I have termed a *nested* concept of education. According to a nested concept, any conception of education is situated within a certain *kind* of practical reasoning, be that moral, prudential/ethical, or pragmatic. In Peters' case, those actions and policies are educationally worthwhile that promote initiation into those forms of knowledge that make judgements of worthwhileness possible. Education is primarily nested within our practical reasoning about the good or ethical life.

The transcendental derivation of this ethical practical principle is supposed to ensure that actions and policies that promote initiation into the good do not illicitly promote an arbitrary or non-generalizable educational aim over others. Initiation into theoretical activities is supposed to be necessary for anyone who reasons. I have argued,

⁴⁹ One example of a philosophy of education that does appear to follow such a line of argument is developed by John Wilson. In his *Preface to Philosophy of Education* he develops a transcendental argument for a principle of *learning* as a universal warrant for context-transcendent justification of educational practice, “simply because it is hardly possible when considering the upbringing of people or rational creatures *not* to be concerned with learning and the objectives of learning” (1979, p. 53)

however, that this conception is unconvincing on the basis of reasonable doubts about the necessity of theoretical forms of knowledge such as science and poetry in making judgements of the good life possible. It is also doubtful that such a conception can remain neutral toward competing conceptions of the good.

However, the broader procedural framework of justification that Peters works within holds promise. One of the central challenges of showing how a generalizable concept of education is possible is demonstrating how such a concept could refer to standards acceptable within pluralistic contexts. Accordingly, the model of justification used to inform a such a concept of education must show how judgements that are the product of such a model are in fact generalizable. Nesting the justification of education within a procedural account of moral-practical reason is, in my view, the best way of achieving this. If justified moral judgements are valid for and applicable to all persons, actions and policies that are judged as having educational worth on *moral grounds* must be valid and applicable to all persons.

There are at least two important aspects of this justification scheme. First, how do we identify what is of educational worth among the many morally permissible actions and policies? In other words, if educational worth is included in the scope of policy and action that is of moral worth, if educational worth is a *type* of moral worth, what moral grounds support educational worth specifically? This theme will be taken up again at the end of the chapter. The second concern is more pressing: what if morality is *not* autonomous? What if it is not a specific kind of practical reasoning? If morality itself were not demonstrably autonomous, the justification scheme that informs such a concept would quickly fall apart. Here is why: if moral judgements rest *fundamentally* on premises that are empirical or conditional, they cannot be valid and applicable for all persons because the contexts within which such judgements are made would be *the* decisive feature. As every situation is different, it would make no sense to

talk about moral principles because it would be impossible to generalize across different cases. A concept of educational worth conceived within such a conception of morality would also be fundamentally a matter of context. To sum: if the generalizability of the concept of education hinges on it being a moral concept, the conception of morality that informs the concept must in turn be generalizable.

The next two chapters will focus on a model of justification that *can* establish the autonomy of the moral point of view. In this chapter I will focus primarily on R.S. Peters' procedural model. In (1) I will focus on a general discussion of the autonomy of moral justification. I will use the example of a contemporary moral dispute between the Innu people of Northern Canada and school administrators and teachers working in that district. I will then argue that R.S. Peters' procedural theory of justification is one plausible means of establishing the autonomy of morality (2). While such a theory can refer to rules of justification generally, Peters interprets his procedural rules of justification as moral rules (3). In (4) I will show the affinities between Peters' procedural theory and the Discourse Ethical theory proffered by Jurgen Habermas. Habermas has two main objections to Peters' procedural theory which I will detail in (5). Despite these objections, Peters' theory can be used to identify one important aspect of the relationship between justification and education. Namely, that argumentation presupposes the inclusion of all persons. What is of present educational interest is the degree of this inclusion. As I argue, such persons need to be initiated into practical reason as a means of inclusion (6). Habermas rightly shows that argumentation entails an *epistemic*, not moral, procedural principle of inclusion. This calls for a more detailed account of Habermas' theory (7).

(1) The Autonomy of Morality and Justification

The moral justification of actions and policies becomes increasingly complex in a pluralist setting characterized by different conceptions of justice. Depending on our cultural standpoint or historical tradition, practical reasoning about moral issues will differ. Pluralism reflects important challenges to moral foundationalism – the search for timeless and unchanging moral principles that can be applied to all circumstances. One plausible alternative to this is a model of public justification.

When I say *public* justification, I mean that any legitimate moral principle must be worthy of recognition in a public setting. When I say *public justification*, I mean that educators, policy makers, and the larger public are to understand that positions taken for or against actions or policies on moral grounds require justification through the reciprocal and public exchange of reasons. In other words, moral questions can be answered only within a public, practical discourse. On this view, practical discourse aims for the unforced (non-coerced) agreement of those concerned with the debate.⁵⁰ However, before moving into a detailed discussion of what such a public discourse requires, a contemporary example will provide needed context.

The issue of compulsory schooling in certain parts of Northern Canada is a matter of deep disagreement. In coastal Labrador, for example, parents are strongly in favour of withdrawing their children for weeks at a time in order to participate in the migratory Caribou hunt. The hunt is highly valued among most members of Innu communities. Young children often accompany their parents or extended families for such journeys.

⁵⁰ Clearly, there are parallels to be drawn here between John Rawls's account of public practical reason and the conception of practical reason I proffer. However, Rawls oversteps the problem of moral justification by bracketing the validity or truth-dimension of moral claims that different cultural groups make. He does this by reducing such claims to the expression of comprehensive doctrines that can, at best, overlap. This is different from a public discourse aimed at truth or moral rightness.

A clash between the values of mainstream culture and the more traditional culture of the Innu becomes clear in the judgments that teachers and parents make about the appropriateness of these extended absences from the school. Teachers, for example, may express frustration at what they see as Innu parents' failure to meet their obligation to promote a healthy respect for formal schooling. The parents' indulgence of their children's desire to join the hunt stands as a failure to respect the child's future opportunities and life-chances. Parents, on the other hand, see the state school system's failure to adapt its policies to accommodate traditional practices as a failure to respect the Innu way of life.

This disagreement reflects a controversy about the ends of education that has an obvious moral dimension.⁵¹ Teachers have an obligation to support their students. Yet, parents feel similar obligations to their children. But in this case the obligations appear to conflict. And while each group may be willing to deliberate on the issue, relying on some pre-existing common consensus on educational values or standards will not suffice, at least not in all cases of moral disagreement. The presumed educational worth of formal schooling is not a generally shared value. Many Innu parents have an opposing consensus on the worth of formal schooling, a consensus that makes it difficult to see how provision of schooling is a moral duty.

On the other hand, the reasons Innu parents give to teachers and administrators in defending their moral claim are not necessarily good reasons, either. Values of tradition, ancestry, and hunting are deeply entrenched in the world of many Innu and this makes the legitimacy of pulling children from school more reasonable. But a claim such as "participating in hunting caribou is what children ought to do" does not take on the same intuitive sense of rightness for most teachers that it may for an Innu

⁵¹ There is a clear political issue here as well, in the sense that compulsory schooling was an oppressive project of cultural assimilation. This is relevant information to be included in public discourse.

community. In this case, there is a clear dispute regarding the basic moral principles upon which the legitimacy of competing actions and policies is assessed.

In sum, the values upon which each side grounds their reasons for or against actions and policies of moral (and educational) concern are not always generalizable to other groups. If the relevance of reasons exchanged in a practical discourse cannot always be warranted through appeal to shared or common values, a different common ground needs to be found that does not rely on such a consensus. But how can such a common ground be found where one does not yet exist? This is where the procedural model of justification proffered by both Habermas and Peters comes into play. Procedural models eschew an appeal to shared values. Instead, they seek a common ground in those conditions that are necessary for public justification to make good on its promise. On this view, appropriately conceived rules of public discourse provide the framework through which participants can arrive at a moral agreement. Such an approach is committed to respecting the many different forms of life while identifying means through which these different forms of life can co-exist on terms of equal respect.

(2) R.S. Peters' Theory of Moral Justification

The appeal to public justification represents an important development in post-foundational moral epistemology. R.S. Peters' *Ethics and Education* is an excellent example of one such development. Peters looks to various theories of justification in the history of modern moral theory and sees that all fail to account for one of two necessary requirements for the rational justification of moral principles. He refers to these requirements as the "autonomy" and the "objectivity" of moral knowledge. Some moral theories, such as naturalism, rely upon empirical generalizations that

undermine the “autonomy of ethics” from other forms of justification. Peters argues that “autonomy of ethics...is the claim that no moral judgment can be deduced from any set of premises which does not itself contain a moral judgment or principle” (1966, p. 97). Moral theories that fail to do this end up as cases of the naturalistic fallacy.

Other moral theories preserve the autonomy of moral-practical reason at the expense of its objectivity. Peters describes objectivity as the assumption that error is possible in moral matters and that moral rightness is independent of belief. To claim objectivity is to deny that the adoption of moral values is merely a matter of taste or preference (1966, p. 99). Some moral theories concede that morality is its own distinct domain, but are unable to account for the truth or rightness of moral claims (D.H. Prichard (1912) would be one such example).

Peters is interested in developing a theory of moral justification that preserves *both* the autonomy and objectivity of morality. If such a theory can hold autonomy and objectivity firmly in place, justified moral principles can be taken to be valid and applicable for all persons. Were such a theory to be successful in this aim, justified moral principles could also be applied to pluralist contexts. However, Peters is well aware that such a theory cannot involve a return to foundationalism, at least where such foundations are based on substantive claims about what is good or right. There is always the possibility that one theory of justification, even one that preserves moral autonomy and objectivity, can be replaced by another kind of moral theory that purports to meet the same criteria of autonomy and objectivity but relies on different assumptions, presuppositions, or judgments – in other words, a different foundation. Foundationalist theories, therefore, typically shift the dispute from conflicting moral judgements to dispute regarding the very principles that were supposed to settle the conflict.

Therefore, even if we agreed that the moral domain is an autonomous one, and even if we admit the possible objectivity of moral judgments, the principles we appeal to in making a moral argument are themselves open to question. My principles may be different from your principles. On what terms can we agree (or reasonably disagree?)

Peters addresses this concern by offering a transcendental account of the necessary conditions for the use of practical reason: argument about what one ought or ought not to do unavoidably presupposes the public dimension of justification. Insofar as we engage in public discourse, we make further presuppositions: scientific discourse, for example, will entail presuppositions that are specific to it and must necessarily be presupposed by participants in order for that discourse to be intelligible (1966, p. 115). The principle of non-contradiction, for example, appears to be a necessary presupposition for any public discourse that aims for truth or rightness — if participants readily contradicted themselves without rhyme or reason, any discourse oriented to the truth would be unintelligible. These presuppositions, if they are in fact necessary and unavoidable, could stand as legitimate principles that anyone participating in the discourse must adopt: “if it could be shown that certain principles are necessary for a form of discourse to have meaning, to be applied to or to have a point, then this would be a very strong argument for the justification of the principles” (p. 115).

Within the transcendental argument, Peters goes on to develop a principle of justice (or, more accurately, a principle of justification) that simply states that anyone who asks the question “what ought I do?” with respect to practical questions presupposes that there are principles that can be used to distinguish between good and bad reasons for doing something — that is, reasons for treating one person differently than another, for example (p. 122). Peters is worth quoting at length on this point:

The situation postulated is one in which any individual, possessed of a public language, asks the question “What ought I to do?” There are alternatives open

to him and he is asking for reasons for adopting one alternative rather than another. A person who uses the discourse of practical reason seriously is committed to choosing rather than plumping, the notion 'ought' being more or less equivalent to the notion of there being reasons for something. Basic, therefore, to the notion of acting with reason is the very formal principle of no distinctions without differences...[T]o use practical discourse seriously is to be committed to the search for such reasons...[W]ithout this presupposition the discourse would lack point.

(p. 121)

Peters' "principle of justice" very simply refers to "the principle that there should be principles" (p.123). The principle of justification eschews traditional foundationalism, but does not endorse infinite regress. The unavoidability and necessity of presupposing that reasons are relevant as a part of any intelligible practical discourse transcendently "grounds" the principle of justice from which all subsidiary principles are derived. The principle of justice, for example, entails the further presupposition that there are additional criteria (that is, principles) that can be used to determine the relevance of competing reasons. Consequently, the necessary presupposition that there be principles for evaluating the epistemic force of reasons is supposed to absolve moral deliberation and justification of any charge of arbitrariness, "for it has been argued that it is a principle that must be accepted if practical reasoning is to have any point and application" (p. 125).

(3) From the Publicity of Practical Reason to the Publicity of Moral Reason

Once the principle of justification has been established, Peters goes on to transcendently derive several moral principles. Having demonstrated that anyone who asks “what ought I to do?” is committed to public justification, all that remains is to determine the kinds of subsidiary principles that are necessary for the specific kind of “ought”-question being asked. Consider the question, “why ought I consider the interests of others in pursuing my own ends?” Why must one take the interests of others into account in an action or policy? For Peters, the answer is revealed through transcendental reflection upon the necessary presupposition entailed in asking such a question: “The answer is surely that consideration of the interest of others is a presupposition of the question, ‘Why do this rather than that?’ This question...is a question of public discourse” (p. 171).

Once the publicity of the question has been established, one looks to its specific meaning. Such an analysis reveals that even a purely self-interested party engaged in a debate over interests must necessarily presuppose that everyone’s interests be considered in practical discourse. This is because anyone asking the public question of interests while willfully excluding the interest-claims of others endorses his or her *own* exclusion:

In entering into such a discourse any rational man must assume not only that there are worthwhile things to do but that he might want to engage in such worthwhile things. If he thought that, having discussed such matters with his fellows, his stake in such a worthwhile life was going to be completely ignored, it is difficult to conceive how he would ever take the step of engaging in such a public discussion. As a rational man he must see, too, that what applies to him

applies to any other man engaging in such a discussion; for how could he think that he alone has any claims?

(p. 171)

In other words, the very question of interests presupposes that the reasons underlying one's own interests will be recognized and, insofar as the speaker is rational and capable of acting without contradiction, he must also grant the same recognition of reasons to others that are also participating in the discourse and engaged in the same kinds of presuppositions. On this basis, Peters claims to have justified a principle of consideration of interests (p. 172–178). While the principle cannot decide the question of *which* interests ought to be recognized (for this is for the participants in the discourse to decide), it does stipulate that everybody has a *moral* right to participate in and make a contribution to the public determination of which interests ought to be recognized by all persons as a matter of moral principle.⁵²

By tracing out the presuppositions that anyone committed to the public justification of actions and policies must necessarily make, Peters claims to have established a universalistic, autonomous and objective framework for morality. Despite the many perspectives on the good life, Peters can refer to practical presuppositions as necessary grounds for properly assessing the validity of any moral claim because such presuppositions are necessary and unavoidable for all who engage in practical deliberation, including moral deliberation. Furthermore, the public nature of justification means that these principles are constitutive of a procedural framework for guiding practical deliberation across differing cultural or other such worldviews: “these fundamental principles...are all of a procedural rather than a substantive character. They thus provide a procedural framework of principles within which substantive solutions can be sought to both moral and political problems” (p. 299). Moral

⁵² I emphasize that Peters views this as a moral right for reasons that will become relevant at the end of the chapter.

principles set out a procedure for assessing the epistemic force of moral reasons offered in discourse about moral issues. What they do not do (as we have seen in the case of the principle of consideration of interests) is to decide *for* the participants in the discussion the answers to these questions in the way that moral foundationalism typically does.⁵³ In a procedural model of justification, the *participants* are to be each convinced of the moral worth of a policy through the use of public reason. Compare this to a formal principle such as the categorical imperative, where the individual privately checks to see if his or her subjective maxim *conforms* to moral law as a test of moral worth

In the case of the Innu, Peters would likely argue that principles such as fairness and liberty are necessary for moral debate to be at all possible. This is the impartial or neutral ground upon which the disputants can deliberate, *even* if their substantive values differ. We could imagine, for example, that the Innu may come to recognize that their own claims to an interest (such as cultural preservation) presuppose that the interests of children in that community ought to be considered as well as their own. Children's formative interests may extend beyond an interest in cultural preservation alone, and this might mean having to be more open-minded about just what those interests are. Similarly, the reasons policy makers have for promoting school attendance are no longer properly understood to be self-evident assertions about the "goodness" of formal schooling; rather, they represent moral claims about what is in the equal interests of those affected by the policy.

Peters' conception of practical discourse, should it sustain its claims about universality, autonomy and impartiality *despite* the existence of a plurality of forms of life serves as an important resource for the rational justification of morally worthwhile actions or policies. As the principle of consideration of interests shows, for example,

⁵³ Although I think that this concern about the directive aspect of moral principles can at times be overstated, particularly with respect to Kant. Kant, in his own Enlightenment essay (1996), sees simple rule-following as a sign of immaturity in our rational development. See also Westphal (2009).

the interests of the children, parents and policy-makers must be given consideration in any case made for or against proposed policies. We have a moral duty to consider the interests of all persons in a public moral discourse. A morally worthwhile policy jointly shared by the Innu, teachers and policy-makers could only be accepted after all such interests have been given due consideration.

(4) From the Publicity of Moral Reason to the Epistemology of Moral Reason

Jurgen Habermas's project of Discourse Ethics has a number of similarities to Peters' approach. Like Peters, Habermas seeks to develop a procedural model of justification by which participants in practical discourse can come to a rationally motivated agreement on a proposed moral norm (principle) or judgment.

Habermas claims to identify the unavoidable and pragmatically necessary presuppositions that anyone who argues cogently must make in the course of justifying a moral norm.⁵⁴ His theory of Discourse Ethics is developed through his engagement with a fictional "skeptic" who acts as a kind of foil, challenging each step taken in the construction and justification of the procedure. The skeptic's role is to challenge the procedure's claims to universality, autonomy and objectivity. If the moral theory meets with the satisfaction of a demanding skeptical position, we can reasonably conclude that Discourse Ethics can make good on its promise. Clearly, Habermas is dealing with challenges to moral autonomy and objectivity in a manner similar to Peters. Both philosophers understand that the shift away from tradition as an authoritative basis for moral principles has another side: the philosopher him- or herself faces the self-

⁵⁴ The details of Discourse Ethics, which I will argue stands as an improvement over Peters' model, will be discussed further in the next chapter. In this chapter I am more interested in Habermas' critique of Peters.

reflexive challenge of demonstrating how his or her own claims about autonomy and objectivity do not covertly endorse his or her own tradition or way of life.⁵⁵ Consequently, Habermas claims that any necessary and universal discursive presupposition will have met two criteria: First, the discourses from which presuppositions are derived must be so general that they cannot be replaced by what he calls “functional equivalents”; such discourses can only be replaced by “discourses or competences” of the same kind (1990, p. 82). I take Habermas to mean that if we can answer the same types of question (for example, moral questions) under entirely different presuppositions, then the universality and impartiality of the presuppositions are called into question. If I can choose which presuppositions I make in a particular discourse, the choice of one set of presuppositions (as opposed to other, “equally useful” presuppositions) can be read as an historically or culturally variable matter. If presuppositions are variable in this sense, then they clearly cannot form the basis of an impartial procedure.

How can we be mistaken in our identification of universal presuppositions? A simple example will help. I might claim that “others being present” is a necessary and unavoidable presupposition of scientific discourse. But clearly this is *not* the case if by “others being present” we mean that there are literally people in the room with you at the moment the discourse is being undertaken. Letter writing, journal articles, email and other forms of text can be contributions to scientific discourse. Therefore, while the presupposition can be made by specific individuals depending on their circumstances (a scientific conference), it is not a necessary one. It does not give meaning and point to scientific discourse. “Being present”, at least in this sense used here, is not an irreplaceable presupposition of scientific discourse.

⁵⁵ As Peters observes, “[A] ‘moral community’, by definition, has no authority structure, no built-in appeal to consensus. By this is meant that the validity of moral rules is not determined by appeals to authority or to majority agreement as are the rules of states or clubs” (1966, p. 226).

Accordingly, Habermas argues that the “object domain” to which our presuppositional analysis is applied must be clear — we must know what kind of discourse we are examining such that we can be sure that the presuppositions identified are in fact unavoidable and necessary for that discourse. Habermas’ own procedure of moral justification, which takes the form of a rule of argumentation, for example, is derived by looking specifically at moral discourse and the presuppositions necessary for such a discourse to have meaning.

The second requirement issues directly from the first. The definition of any object domain must not presume anything about the normative content of the discourse being analyzed: “the delineation of an object domain must not already prejudge the normative content of its own presuppositions, or one will be guilty of a *petito principii* that could have been avoided” (1990, p. 83). When identifying the presuppositions of moral discourse, for example, we cannot interpret them as *moral* presuppositions. When identifying the presuppositions necessary for scientific presuppositions, we cannot interpret them to be scientific principles. Such principles are proposed, argued and justified *in* the discourse. To do otherwise would beg the question, because the procedure would be dictating what counts as a moral or scientific reason before the deliberation begins.⁵⁶

It is at this stage that Peters joins Habermas in the philosophical arena:

R.S. Peters tries to avoid both pitfalls. He limits himself to practical discourses, i.e., to processes of reaching understanding designed to answer practical questions of the form of What ought I do? In restricting himself to these issues,

⁵⁶ This is not by itself an uncontroversial objection. Karl-Otto Apel claims that presuppositions of communication serve as the “ultimate justification” of moral principles. See Apel (1996) and Habermas (2008). Like Peters, Apel regards communicative presuppositions as foundational in the sense that one can derive basic norms such as the moral duty of truthfulness directly from such presuppositions. Habermas, on the other hand, thinks that these rules only confer epistemic obligations that are necessary if we wish to arrive at a rationally motivated agreement.

Peters hopes to single out an order of discourses for which there are no substitutes and at the same time to avoid normative prejudgments in the demarcation of practical discourse.

(1990, p. 84)

Habermas illustrates the formal and pragmatic nature of Peters' project by citing the following methodologically important passage by Peters:

It is always possible to produce ad hominem arguments pointing out what any individual must actually presuppose in saying what he actually says. But these are bound to be very contingent, depending upon private idiosyncrasies, and would obviously be of little use in developing a general ethical theory. Of far more importance are arguments pointing to what any individual must presuppose in so far as he uses a public form of discourse in seriously discussing with others or with himself what he ought to do. In a similar way one might inquire into the presuppositions of using scientific discourse. These arguments would be concerned not with prying into individual idiosyncrasies but with probing public presuppositions.

(Peters, 1966, p. 114; quoted in Habermas, 1990, p. 84)

Clearly, Peters has methodological considerations in mind similar to those outlined by Habermas, and Habermas sees the symmetry between his analysis and that of Peters. Up until this point, Habermas's and Peters' analyses travel along the same rails. However, Habermas identifies two central problems in Peters' account.

(5) Two Objections

Habermas labels the first objection as falling under the *petito principii* objection discussed previously: "[I]n the normative presuppositions of discourse Peters finds

only the normative substance that he had previously put into his implicit definition of practical discourse. This objection could be raised against Peters' semantic deduction of the principle of equal treatment" (1990, p. 84). In this short passage lies a complex (but important) objection. Peters essentially engages in a question-begging argument when, starting with the *meaning* of the question "What ought I to do?" as a premise, he derives a substantive normative presupposition that is identical with the meaning that he attributes to the question itself. In asking "What ought I do?" the speaker postulates that "there are alternatives open to him and he is asking for reasons for adopting one alternative rather than another" (1966, p. 121). Peters interprets the word "ought" in this context as meaning "more or less equivalent to the notion of there being reasons for something" (p. 121). Peters further interprets "ought" to mean that there cannot be differences of treatment without good reasons, thus securing the principle of equal treatment. However, if we look at Peters' argument more carefully, we can find the question-begging to which Habermas alludes. The meaning of "ought" is a premise used in Peters' derivation of the formal principle that states that we must justify differences in our treatment of persons on the basis of relevant reasons.⁵⁷ This principle is identical with the meaning that Peters attributes to the term "ought" itself. Peters' definition of ought and the principle inferred from it are one and the same.

This objection is not fatal. As Habermas himself notes, Peters can counter this objection by broadening the scope of the presuppositions themselves (1990, p. 85). Were they to apply to public discourse *in general*, there would be no need to appeal to or debate the meaning of the word "ought" because argumentation *as argumentation* presupposes the epistemic force of reason-giving. In other words, it is not the use of the

⁵⁷ Peters's assigned definition of "oughtness" is an interpretation of the meaning of the question "what ought I do?" This is different from the identification of presuppositions that we necessarily presuppose for practical discourse to be intelligible. The former is a matter of interpretation that can be debated, while the latter is not.

word “ought” that entails a presupposition, but the demand for or act of justification in general. Peters, for example, could say that making the preceding objection entails the presupposition that one is committed to giving relevant reasons — the objection itself, after all, involves giving reasons. At this more general level of analysis we see that the objection itself relies on argumentative presuppositions even if the objection is not itself a moral argument.⁵⁸ Habermas cites Peters as implicitly making use of this counter-objection from time to time, as in the case of his justification of a moral principle of liberty:

The argument, however, need not be based simply on the manifest interest of anyone who seriously asks the question “what ought I to do?” For the principle of liberty, at least in the sphere of opinion, is also surely a general presupposition of this form of discourse into which any rational being is initiated when he laboriously learns to reason. In matters where reason is paramount it is argument rather than force of inner illumination that is decisive. The conditions of argument include letting any rational being contribute to a public discussion.

(1966, p.181)

This leads directly to Habermas’ second objection, which essentially runs as follows: You might have to make argumentative presuppositions when participating in public discourse, but these are *not* moral principles. I may (or may not) recognize that argumentation entails epistemic commitments, but nothing in these commitments requires that I understand them in a moral fashion.⁵⁹ I might presuppose that a person’s

⁵⁸ This also applies to Peters’ ethical principle of worthwhileness. When I am confronted with different activities amongst which I can choose, I presuppose that there are good reasons for choosing one way or the other. What is contentious here is the idea that initiation into theoretical forms of knowledge makes the rational assessment of different choices possible.

⁵⁹ The same objection is put to Karl-Otto Apel, and the similarities are worth noting: “[Apel] interprets the binding force of the normative content of these presuppositions of argumentation directly in a strong, deontologically binding sense and thinks he can derive basic norms, such as the duty of equal treatment or the precept of truthfulness, directly from the reflexive confirmation of this

interests like my own represent relevant reasons in the case for or against a proposed action or policy, but it does not follow that I am committed to recognizing those interests as a matter of moral respect in contexts outside of moral deliberation. I may well ignore these reasons.

In line with the *public* and *procedural* model of justification being proffered, individuals need to be convinced on the basis of moral arguments that the normative content of argumentative presuppositions is worthy of recognition as a moral imperative. Consider: in leaping, we *might* presuppose the norm that we should look before we leap. When we leap we are leaping toward *something* and looking at what we are leaping toward allows us to do the leaping properly. Assume the presupposition holds. Even if it does, *other* arguments need to be made to show why looking is a moral duty (one argument could be that blindly leaping may result in us severely injuring others and ourselves in landing). Similarly, we cannot move directly from argumentative presuppositions to moral duties: “basic norms of law and morality fall outside the jurisdiction of moral theory; they must be viewed as substantive principles to be justified in practical discourses” (Habermas, 1990, p. 86). Peters himself is committed to the procedural and epistemic construal of moral justification insofar as he claims that justification is a public practice conducted on the basis of public reasons. Such a view tells us that it is not within the aegis of one person alone to dictate the moral norms that we ought to abide by. When Peters does in fact do such a thing, his procedural model of justification is undermined.

Habermas’ alternative is to begin by identifying the *epistemic* rules of argumentation immanent to argumentative speech itself, and, insofar as these rules are made explicit, formulated in terms of a procedure for use in settling moral questions

content...[I]t is far from obvious that rules that are constitutive of the practice of argumentation as such, and hence are unavoidable *within* discourses, also remain binding for regulative action *outside* of this improbable practice.” (Habermas, 2008, 83).

(1990, p. 86). The procedure is not itself substantively moral, but outcomes under these conditions make a valid claim to moral rightness.⁶⁰

(6) Proceduralism and the Normative Status of Education

On Habermas's account, Peters derives "basic norms" and then "offers some merely ad hoc reflections" — namely, reflections about the moral particulars of education (1990, p. 84). While he is right in identifying the shortcomings of Peters' procedural approach, I think that Habermas is prematurely dismissive of Peters' intentions. Habermas' primary concern seems to be that Peters makes moral claims that contradict the terms of his own procedural model. He would likely articulate his concerns in the following manner: Peters' entire procedure is undermined once he prescribes basic moral norms in advance of his own conception of an unrestricted, public practical discourse — once our Innu and policy-maker participants are dictated what basic principles they ought to follow from the very beginning of the debate, the possibilities for discussion, new information, and the discovery of formerly neglected interests become greatly constrained. Once the participants are committed to inviolable and unrevisable substantive moral principles, the procedural claim that practical discourse cannot rule out reasons and arguments in advance is rendered superfluous.

However, I interpret Peters as struggling with the intuition that there is perhaps more to be said about the relationship between the moral point of view and educational processes. Contrary to his own analysis, he, too, may have seen how educational worth could be nested within moral-practical reason. As I have previously argued, it seems clear that Peters saw moral principles as primarily 'external' to education in the sense

⁶⁰ Habermas formulates his procedural principle of moral justification as follows: "A norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value orientations of each individual could be jointly accepted by all concerned without coercion" (Habermas, 1998, p. 42).

that basic moral principles are typically *applied* to educational contexts. They do not recommend specific educationally worthwhile policies – that is a role for reasoning about the good life. Yet, he seems to want to make those general moral principles more determinate in the kind of deliberative guidance they offer educators. I speculate that Peters would be (rightly) unconvinced that general moral principles are refined enough to sufficiently address the complexity of moral issues in education. They certainly do not offer much in terms of what a moral right to an education would entail. Hence his need to continue refining his “principle of justice” with respect to specific questions of children’s interests, discipline, and educational liberty. Here, Peters shows how procedural moral principles can be made to take into consideration morally special characteristics of educational settings, reflected in Peters’ so-called *ad hoc* reflections. It is almost as if, having separated moral questions from educational questions, he then struggles to resituate moral principles in educational contexts such that they can have a more positive role in directing action.

Peters may have been amenable to a concept of education nested in moral-practical reason. Yet, while he may have been moving in the right direction here, we can see why Habermas’ refinement of Peters’ approach can prove more fruitful in this respect: any procedure dedicated to the moral justification of educationally worthwhile actions or policies must be true to its own procedural rules. As Habermas argues, such procedures cannot prejudge the normative content of their own presuppositions. Accordingly, a nested concept of education may reflect or represent moral duties that are educationally meaningful, but what these specific moral duties *are* is a matter of public moral discourse alone.

What kind of moral actions and policies would fall under this concept? What would make them educationally relevant? How could they vindicate Peters’ intuitions about the complexity of moral reasoning about educational issues? We can begin with a

fairly straightforward observation. If moral principles must be publicly justified, individuals must *learn* to be able to participate in public deliberation. This means exploring the presuppositions of practical reason with an eye to their implications for persons who have not yet been initiated into practical reasoning. Practical discourse, argumentation and reason-giving are demanding epistemic tasks, tasks that “developing centers of consciousness” need to be initiated into. For Peters, the ability to engage in practical discourse is to have been socialized into a form of life to which *all* have a right to participate in. To have the concept of a person, for example, “is to see an individual as an object of respect in a form of life which is conducted on the basis of those [procedural] principles which are presuppositions of the use of practical reason” (p. 215). We might find Peters’ recommendation here too substantive, given our prior analysis of argumentative discourse – we cannot simply *assert* that we have a moral obligation to socialize people into these basic competencies and skills. However, his larger point is worth considering – that practical discourse is something that we have to be initiated into, and if we fail to provide equal opportunities for initiation into that discourse, public justification fails. This minimal (but no less demanding) obligation may be a starting point for establishing the criteria of education processes relevant to and valid for all persons.

In order to illustrate what such an argument could look like, I will continue with the theme of initiation into practical reason that I began at the end of the previous chapter. Consider, for example, that on the procedural model offered by Peters, anyone who argues for an action or policy the foreseeable consequences and side effects of which would lead to the exclusion of future persons from participating in public discourse is engaged in a contradiction. Imagine if I were to argue that for the sake of a more efficient school system, we ignore the difficult project of teaching children the communicative skills they need for rational deliberation. “They’ll probably figure it out

themselves,” so the argument might go. This is a contradiction: my act of making the claim entails the presupposition that I myself have received the necessary and sufficient communicative socialization required to make such claims competently. I can therefore make a relevant contribution on this basis. These competencies, after all, are not given but are learned through a more or less successful and ongoing process of socialization. Yet my argument claims that one can rightly exclude others by denying the kind of socialization such persons will need in order to take part in the same ongoing public discourse.

My act of argument presupposes the inclusion of everyone (as well as myself), but the content of my argument calls for the exclusion of others – a clear contradiction. This contradiction demonstrates that argumentation entails the *epistemic* procedural principle that we cannot without contradiction argue for the systematic exclusion of others from public discourse— and this includes exclusion on the basis of a denial of the cultural, social, or linguistic capital necessary for participation. Clearly, such a principle would have relevance for the justification of educational policy.

The fact that we first need to be initiated into practical reason before we can contribute to discourse potentially expands the scope of our epistemic/argumentative rights and duties. On the account of initiation inspired by the reconstruction of the work of R.S. Peters, a communicative account of practical reason and our initiation into it directly entails moral rights and duties of potential educational relevance. This is a moral interpretation of rules of discourse. However, Habermas’ critique shows that we cannot make the leap from a procedural account of practical reasoning directly to educationally meaningful moral rights and duties. The relationship between morality, proceduralism and education is more complex. The procedural principle that all are included in a practical discourse includes our ensuring that people are able to practically reason. If they cannot practically reason, participants cannot arrive at a

reasoned agreement on norms of action. On this account, the inclusive aspect of initiation into practical reasoning is only an epistemic duty, not an educationally relevant moral duty. At least not at this stage of the argument.

(7) Discourse Ethics

Peters was right to emphasize the communicative and public character of practical reasoning. He was also right in his general dissatisfaction with the ability of basic moral principles to sufficiently inform our judgements in educational contexts. However, his subsequent attempt to refine moral principles to make them more informative and determinate in educational contexts undermines the larger procedural account for the reasons expressed in Habermas' critique. On the Habermasian account, practical presuppositions are at most epistemic duties. These duties reflect those conditions that are necessary for the justification of moral rights and duties. However, the distinction between epistemic and moral duties has only been expressed through more or less indirect references to Habermas' preferred construal of procedural ethics. The next chapter will examine Habermas' account and the relationship between epistemic duties and moral justification in more detail.

Chapter Four: Jurgen Habermas' Discourse Ethics: From the Epistemic Back to the Moral

In the last chapter, R.S. Peters' procedural ethics was posited as one means of securing the autonomy and objectivity of the moral domain. One of the central features of this account emphasizes moral justification as a public practice, where basic moral principles such as the consideration of interests and respect for persons set out a framework that participants are obligated to follow in the settling of moral disagreement. Unlike foundationalist approaches, however, these procedural principles do not determine what counts as a good moral reason. While basic principles serve as moral rules of deliberation, individuals themselves must be convinced of a proposed moral norm or judgement.

Such an account holds some promise in determining the appropriate nature of a generalizable concept of education. Moral justification is a practice that is *inclusive* in scope. While the particulars of Peters' transcendental argument are complex, the core idea is really quite simple: anyone who participates in public practical reasoning is morally committed to the equal participation of all others in that same public discourse. It is a practice whose membership isn't defined by political authority, the family or the state. Basic norms make claims on all persons, and so all persons have a say in what these basic norms consist in.

This leads to the initiation argument developed in the previous chapter: if we are committed to the inclusion of all persons in practical discourse as a matter of moral principle, initiation into practical reason is an educational imperative of moral worth. If we include initiation as necessary for inclusion in public practical reason, a basic moral principle of initiation forms an integral part of any procedural ethics. In this expanded

account of Peters' procedural ethics we can include the basic presupposition that when we, as socialized beings that have been initiated into practical discourse participate in that discourse, we must presuppose that all persons have a right to be initiated into that discourse as well.

A concept of education informed by the principle of initiation into practical discourse (henceforth the principle of IPD) would play an important role. Consider how such a concept would play out in public deliberation about the substance of a right to education. Participant A claims that job training is a fundamental educational ideal on the grounds that economic well-being is necessary for the exercise of one's autonomy. Policies that undermine job preparedness undermine economic well-being and therefore autonomy. Participant B finds the merits of the proposal appealing, but counters that the ideal of job training also has the potential to undermine autonomy. In the process of training for a certain skill-set, for example, a developing person's sense of what their own choices are can become narrower. Both outcomes seem plausible – so how can the ideal be properly assessed? In the procedural framework, the interests of all persons affected by the proposed policy ought to be considered, and in so doing, everyone can participate in the evaluation of the policy.

So long as the procedural moral rules are followed, the agreed policy is the morally justified one, valid and applicable to all. However, a moral agreement only indicates moral rightness. It is not the fact of agreement alone that makes a moral norm or principle right. I may agree with a proposed norm for reasons other than the norm being worthy of recognition as true or right. I might agree simply to get along with others. But agreement on these terms is different from moral agreement in the epistemic sense. In order for a moral procedure of justification to be sufficient in this epistemic sense, participants agree to a proposed norm or judgement because they agree on the *reasons* supporting that norm or judgments. An appropriately conceived procedure

should make it possible for participants to agree on a norm because of the convincing force of the reasons supporting that norm alone.

However, if the procedure is too broad or general, participants could arrive at a moral agreement, but the reasons supporting that agreement could obscure *other* important reasons that would have *otherwise* comprised part of the justification of that norm if the procedure were more refined. Consider: if moral principles of procedure help determine the relevance of reasons offered in discourse, it is crucial that procedural principles not be included that arbitrarily screen out or mark as irrelevant various reasons. But this prohibition can be stated in a positive sense: it is equally crucial that *all* procedural principles necessary for determining relevance form part of the discourse. Otherwise, reasons that *should* be made salient and judged to be relevant may be arbitrarily ignored because they are not supported by any principle comprising the procedure. Does the principle of IPD contribute in this positive sense? Does it make salient certain educationally relevant reasons, for example?

An example can illustrate this problem. In the example above, the reasons for and against the ideal rely fundamentally on moral respect for a person's autonomy. But relying on basic moral precepts in determining the scope and limits of actions and policies can obscure other educationally relevant considerations that are also of moral worth. Respect for autonomy is a fundamental moral consideration – we each want to act freely and exercise our autonomy, and we don't want to facilitate that exercise in a way that only serves to undermine autonomy from another direction. While I may have economic power to do many things I desire, for example, I may be trapped in a job I didn't really have much choice in taking.

One can recognize the principle of respect for persons and appeal to this principle in justifying a proposed ideal. This does not mean that discourse or deliberation ends. Another public discourse can open up, a technical one, that seeks to

determine the best means through which different policies can protect both “aspects” of autonomy (economic power and career choice) in implementing the job training policy. There is nothing wrong with this process by itself. Once we agree on certain moral issues, technical or pragmatic issues can still remain.

But if we switch from a moral discourse to a technical or prudential discourse prematurely, other important normative considerations may be skipped over. Moral discourse can only address morally salient or relevant features of a situation that we recognize *as* morally salient. Note also that certain features can become morally salient *through* discourse, as the interests of other parties are represented. Valid rules of deliberation work to ensure that all such basic moral considerations are made clear, or at least do not obscure such basic moral considerations. What I am trying to suggest here is that if the principle of IPD is necessary for a moral procedure, it is so because it makes explicit a certain set of morally salient features that might otherwise be overlooked, particularly when we are addressing educational questions.

Consider that communities may have a moral obligation to provide basic material conditions to facilitate economic security. If so, job training could be successfully defended as a universal right owed to all persons. But what would make it an educational right, as opposed to many other rights that could be instituted through state schooling or other institutions? On the basis of a justifiable right to job-training, one could use schooling as a means for ensuring that people can exercise this right. But in this case it seems that we have a right to job training that just happens to be institutionalized in schools because it is made more accessible that way. But there is nothing necessarily educational about the right. A good ‘fit’ between a right and its delivery through the school system does not make that right an educational one. That would be like saying that freedom of association is a property right for the reason that it is easier to gather in one’s own home. The question of which institutions, the family,

the state or otherwise, the right to education is best delivered through is a separate question from the prior one of what a right to education consists in. Answering the institutional question clearly does not express the reasons *why* freedom of association is a right. And like many worthwhile initiatives, the job training policy may be implemented in the school system because this seems to be the most efficient means of fulfilling the obligation to promote economic well-being, but this is not the same as claiming that a policy is morally obligatory *because* of its educational value. In fact, when we treat schooling simply as a means to promoting other ends, we may still be endorsing unjust or unfair policies even if the ends those policies promote are of moral worth. An end may be moral, but this does not mean that we also will whatever means are necessary for achieving that end – just ends are also subject to moral constraints.

In any case, Peters' procedural model, combined with his remarks about initiation, can offer an expanded set of morally salient considerations through which we can guide our moral deliberations on such issues; specifically, the foreseeable side-effects and consequences of policies for the principle of IPD. Here, among our other basic moral norms and principles is the rule that policies that undermine one's ability to participate in practical discourse are morally impermissible. Such policies cannot be a good reason for action. This basic rule, like Peters' other procedural rules, makes morally salient the idea that a person's ability to participate as a full member in public discourse must be considered in moral deliberation. Job training policies may have the moral end of promoting autonomy generally, but we may rightly reject the policy as an integral part of an educational process because it demonstrably contradicts the principle of IPD.

The concept of moral salience as used here is Barbara Herman's (1993). For Herman, 'rules of moral salience' involve the acquisition of a basic competency that tips us off to *when* moral judgement is required. She uses Kant's example of the

shopkeeper to illustrate this: Kant's example is designed to illustrate our moral thinking and how we should go about judging. However, it also presupposes that we recognize that the situation calls for moral judgement in the first place. The saving of a loved one and the precept that stealing is wrong are morally salient features of the situation that flag a need for judgement. If we did not have a sense of moral salience, we would not be able to recognize the moral dilemma in the first place (p. 78- 82). On the account offered so far, the principle of IPD is a rule of moral salience that supplies the grounds on which various educational reasons can be used to support moral judgements. In the case of the 'job training argument', such an ideal could only stand as a specifically educational right if it were to be shown that such training accords with the principle of IPD. The policy itself might not be necessary for initiation into practical discourse, but it may be permissible insofar as it meets the abstract requirement – job training is one of many morally permissible means through which developing persons can learn to engage in public reasoning about issues of technical prudence, for example.⁶¹ Similarly, the obligation to ensure that the principle of IPD was satisfied would mean that initiation would take moral priority over other possible ends. In both cases, the deliberative presumption of the principle of IPD makes explicit a class of general reasons that would not necessarily have been clear in the original job training example because the deliberative presumption of initiation was not made an explicit moral rule. So we can see that the more inclusive and the *more refined* the procedure, the potentially better our moral reasoning about educational policy can be.

I find the idea that we have an obligation to initiate developing persons into practical discourse, or at least that undermining that initiation is morally impermissible, an appealing one. I also think that an understanding of education as a moral concept

⁶¹ This is similar to the argument in Chapter Two, where science is judged educationally worthwhile, not because of the specific content of scientific knowledge, but because of the kind of reasoning it is exemplary of.

reflecting such deliberative presumptions is a useful one. On the surface, the impermissibility of violating the principle of IPD seems parasitic on the Kantian principle of respect for persons in the sense that we can make the judgement that undermining a person's initiation into practical reason is morally impermissible through a *direct* application of the principle. In one sense I think this is true. As I made clear in Chapter One, the principle of respect might be sufficient for *answering* the question of permissibility – is the action permitted from a moral point of view? This would be entirely appropriate if we were trying to describe why a specific individual was wrong in terms of their own reasoning about a judgement. The respect principle serves as an excellent heuristic for facilitating judgements of moral permissibility. If a teacher X habitually lied to her students in order to coerce them into doing her bidding, we can say that the teacher was wrong to take her own interests as a sufficient reason to deceive. She was demonstrating a lack of consideration for the students in her class, This conclusion clearly follows from the principle of equal respect. But the assessment that her judgement is wrong does not necessarily tell us what makes it wrong. It may tell us about the quality of her moral reasoning (which is poor), or it may tell us about her relationship with her students (she sees them simply as means). The deliberative focus is on her own self-interest. According to the principle of IPD, however, what *makes* the action wrong on a fundamental level is that in our interactions with developing persons, there is the moral requirement that we mean what we say, and our own self-interest is not a legitimate reason to do otherwise. While it is true that meaning what we say is a basic moral principle in our interactions with all persons, failure to do so in *this* case of teaching is wrong because it undermines initiation into practical discourse. The principle of IPD makes clear additional reasons why lying is wrong. These are reasons such that, even if certain excusing conditions that made lying permissible in situation X were present, lying would remain impermissible because of

these additional reasons. Consider: it could plausibly be said that the end of promoting another person's interests could, in some cases, be an excusing condition that makes lying to that person permissible. For example, you might tell an intoxicated person that there is a police officer nearby as a means of dissuading that person from driving their car, even though you know there is no such officer present. Similarly, it might be said that there are also excusing conditions that allow us to lie to children when it promotes their interests also. Even if such excusing conditions held in situation X, the principle of IPD would at the very least require the teacher to consider that there are *other* reasons for not lying to children (reasons drawn from a putative duty to initiate persons into practical discourse). These other reasons would possibly require additional excusing conditions to be present, or the existing excusing conditions would have to be strong enough to trump those other reasons also (for example, the students are in immanent danger and a lie is the *only* means of getting them out of that danger).

Understanding the additional reasons why actions in such contexts are wrong is important because, unlike other basic norms, such reasons reflect on our moral understanding of human development. And we should be clear about such moral reasons. After all, education typically involves one person acting in ways with the intention of affecting or changing another person. In this sense education is very obviously situated within the moral domain. And so the reasons guiding such actions must have a clear basis. Reasons warranted by the principle of IPD represent morally salient considerations that can shape the scope and inclusiveness of a right to an education. A basic principle of IPD would require that developing persons experience a quality of communication and discourse that enables them to be full participants as they mature. A basic principle of 'do not deceive' does not entail such requirements because a principle of truthfulness simply addresses a person's right to be able to make their own judgements on the basis of good reasons and not on false information. While the

principle of truthfulness or non-deception is *applicable* to classroom contexts as well as any other context, it does not quite illuminate the educationally meaningful moral reasons *why* non-deception is a moral requirement in our interactions with developing persons. The principle of IPD is operative within a broader moral point of view within which people are of equal moral worth, but the principle of IPD makes clear the moral grounds upon which we can say that an educational reason is a morally worthwhile one. This is important for moral deliberation. In a heuristic application of the principle of equal respect for persons, judgements could be made that mistakenly pass the test of moral permissibility because participants were not held to the deliberative presumption or principle of IPD.

However, as appealing and as useful as Peters' model is and as much work as his framework seems to do for us, deriving a *moral* principle of IPD that would inform such a concept is problematic for reasons detailed in the last chapter. Namely, rules of public discourse are fundamentally *epistemic*, not moral. To accept the principle of IPD as a moral principle on the grounds offered so far would undermine the validity of the very procedural model that is supposed to legitimate the principle. While an expanded account of moral rules of discourse is not a viable direction to go, an expanded account of *epistemic* rules of discourse remains a possibility. In this chapter, I will go into the epistemic interpretation of procedural ethics in more detail.

First, I will clarify the connection between a moral conception of education and the rational grounds upon which such a conception must rest. Here, the rational grounds of moral justification, including generalizable judgements of educational worth, must be limited to questions of *public* or *narrow* morality (1). Second, I provide an account of Habermas' project of Discourse Ethics, which I argue is the best account of how to justify public moral norms (2). This account includes Habermas' distinction between claims about the validity of a norm and the validity of claims about the objective world

(2.1.) and the relationship between this account of validity and the idea of moral impartiality (2.2.). One of the central contributions of Discourse ethics is the procedure's distinction between the good and the right that can accommodate objections to moral universalism typically proffered by Hegelian and communitarian views on ethics. Habermas is able to do so by emphasizing the necessary and unique contributions of individual interests and perspectives in the justification of moral norms that represent generalizable interests – interests that persons have an equal interest in (3). Such an emphasis would seem to have some relevance for a generalizable concept of education. As Peters' rightly noted, there appears to be some unavoidable conceptual connection between education and the good life. But a procedure that can distinguish the good and the right may be able identify those aspects of human growth and development that all persons have an interest in *irrespective* of their particular conception of the good. However, I conclude with the skeptical concern that no such interests may in fact exist. If no such interests exist, situating the concept of education within the moral point of view would be inappropriate. In other words, a procedure of moral justification has to show how certain generalizable interests can also be *educationally relevant* (4).

(1) Restating the Problem

Can the generalizability of the concept of education hinge on it having a moral dimension? If the answer is yes, we could apply such a concept in assessing and developing educational policy, where such policies would reflect moral obligations we have to all developing persons. On this account, the term 'educational' becomes more

than a predicate used to label activities that happen within modern schools because actions and policies of educational worth would rest on distinct and unconditional moral grounds.

Ascertaining what these moral grounds are is another question. The response to this in part turns on moral justification – if the concept of education is nested within moral-practical reason, getting education ‘right’ is more than a pragmatic issue concerning what is most expedient. It cannot be reduced to political claims about what policies are best suited to furthering some particular ideological commitment. A moral claim means more than what is “good for me” or “good for us” and the same must hold for a concept of education situated within a moral point of view. If this were not the case, we would have to say that moral convictions about education are not really about education, but about other normative considerations that just happen to be applicable to schooling. In other words, the concept of education must come to be at least *partially* constituted and regulated by some determinate or fixed set of moral obligations if institutions informed by that concept are to embody the kind of ‘rightness’ we feel they should have.⁶² On this basis, education embodies a moral point of view, in which our policies and practices reflect publicly justified claims concerning what is just and fair for anyone involved.⁶³

I have been using the phrase ‘publicly justified’ because such a moral point of view is categorical, purporting to be valid and applicable to all persons.⁶⁴ We can understand a publicly justified morality in terms of what Graham Haydon calls *public*

⁶² The implicit claim here is that educational institutions can mean more, morally speaking, than one institution among many to be regulated by general principles of justice. This also means that educationally relevant moral obligations may be applicable to and have normative force for individuals outside of such institutions.

⁶³ For example, we can make a clear moral distinction in saying that an educational policy can be *effective* in meeting certain aims but is nevertheless morally impermissible.

⁶⁴ T.M. Scanlon summarizes this position in the following terms: “[W]e can understand the content of morality (or justice) by considering what principles people would (perhaps under special conditions) have reason to agree to, or what principles could be willed (from a certain point of view) to hold universally.” (2000, p. 189).

morality, or *morality in the narrow sense* (1999). Public morality is distinguishable from other conceptions of morality – for example, some people might take norms of politeness to be a moral matter. However, conventions of politeness are typically different from the kind of public, justice-orientated moral point of view that we are concerned with – these alternative moralities can be distinguished from the moral point of view in the sense that they are local or ‘private’ conceptions that cannot always be publicly justified and generalized.⁶⁵ Public morality is not the only account of what is of value, but it is the only one that seeks to establish what is equally valuable for all people.⁶⁶

Moral questions about the educational worth of an action, policy or norm are complicated by the fact that, depending on our cultural context or the historical tradition one might be situated within, our conception of what education is will differ, and so our public reasoning about education will also differ even if we agree that these issues are a matter of public interest. I have so far argued that such questions are best characterized as questions of moral-practical reason. It was thought that philosophy could help facilitate moral-practical reasoning by identifying its limits, standards and applicability. Kantian ethics, for example, sought to ground practical reason in the form of a moral law where we consider our actions in light of general prohibitions against treating others simply as means to an end. However, such traditions of philosophical thought can be viewed with skepticism; they may turn out to represent endorsements of situated world-views that privilege certain ideals about what stands as ‘moral goodness’. Kantian views are also commonly charged with endorsing certain culturally situated

⁶⁵ This does not mean that norms of politeness cannot be proposed and argued for as publicly moral within an open, public discourse. Until they win the rational assent of those concerned, however, these norms remain ‘non-generalizable maxims’ – what Habermas calls ‘ethical values’. Someone could argue that we ought to have norms of politeness generally, on the grounds that these norms promote respect and civility between persons – something we might all agree to in principle (even if we might disagree with the *particular* norms).

⁶⁶ Note that public morality corresponds to what Habermas terms ‘morality’ (as opposed to ‘ethics’).

conceptions of autonomy and rational choice. On this view, even philosophical accounts of practical reasoning can differ according to culture or tradition. Public justification aims to account for these differences without setting aside the possibility that agreement is possible among these differences. As Haydon rightly puts it, such questions must be addressed in public space, not because traditions or world-views are illegitimate, but because such perspectives cannot be used to legitimate decisions on behalf of the entire community:

[A] pluralist society is characterized by the existence of competing traditions of thought and practice; and partly because of this...problems arise in society which, even if they could be settled through the resources of a particular tradition, cannot be settled *for society* in that way because of the plurality of traditions.

(1986, p. 98)

The appeal to moral agreement via public justification is not unproblematic, however. Public claims to moral rightness cannot be justified to others on the basis of transcendent views, for example. The idea that there is an objective order of reasons existing outside ourselves and that can be appealed to in justifying what we take to be right understandably does not hold up in democratic communities. Under “post-traditional” conditions, the justification of rightness claims on the basis of a transcendent order is epistemically insufficient insofar as moral justification is aimed at a public consisting of all persons. Different people from different communities and traditions will each have different conceptions of what the source of moral authority consists in, and corresponding moral judgments on issues of public concern (such as education) will subsequently differ.⁶⁷

⁶⁷ John Rawls calls this basic fact of public reason “the burdens of judgement” (2005, p. 56-58).

In the remainder of this chapter, I will assess Jurgen Habermas' project of Discourse Ethics as a program of moral justification that can address these and other epistemic challenges. Like R.S. Peters, Habermas is interested in establishing the necessary conditions that must hold for an obligatory norm or moral principle to be valid and applicable to all persons. Also like Peters, this project is developed through appeal to a procedural model of practical reason and justification. *Unlike* Peters, however, his proceduralism is not founded on purported moral rules of discourse to which participants in rational discourse are implicitly committed; rather, his procedural ethics is founded on epistemic conditions that must obtain for any moral norm or principle to be justified. The focus is not so much on unavoidable moral principles that can provide a "foundation" for moral reasoning, but on those conditions under which a reason offered in a practical discourse could serve as a *general* reason that all others could accept in an argument made in support of a proposed moral norm or moral judgement.⁶⁸ We can state the differences in another way: while Peters' procedure is a *moral* one, where participants are *a priori* committed to a shared moral framework through the very act of discourse, Habermas' procedure is *epistemic*, where participants are not committed to a shared moral framework in the act of discourse, but a shared truth or rightness-seeking framework for settling controversial or disputed moral claims. This rightness-seeking framework is made explicit in the form of a procedural principle of moral justification.

(2) Discourse Ethics: An Procedure for Establishing the Autonomy and Objectivity of Moral Norms and Judgements

⁶⁸ "[O]n this view of justification, the standard for assessments of the cogency of moral reasons and arguments is irreducibly collective. But it is not foundationalist: it does not privilege a particular kind of evidence or argument as the unassailable basis of moral justification." (Rehg, 2003, p. 89).

Discourse ethics is a grounding of the moral point of view in the communicative structures of rational discourse (Habermas, 1993, p. 1). More specifically, discourse ethics is a program or procedure by which individuals in a dispute over a proposed moral norm (i.e. a norm of public morality) can arrive at a rationally motivated agreement regarding that proposed norm. Individuals can appeal to such a procedure because it is purported to be a philosophical reconstruction of public rational discourse that is operative for all persons, even if those structures are not explicit for those persons i.e. in a manner similar to Peters, these structures are communicative *presuppositions*. Discourse ethics is one in a long line of cognitivist moral theories that attempt to reconstruct those conditions that must obtain for impartial judgments of practical questions (in other words, judgments based solely on the epistemic force of reasons) (Habermas, 1990a, p. 43).

Discourse ethics aims to directly address the problem of how participants in public discourse can reach agreement under post-metaphysical or post-traditional conditions. By post-traditional conditions I mean conditions under which there appears to be no shared or common tradition to refer to in publicly justifying norms of action in an impartial manner: “the discourse principle provides an answer to the predicament in which the members of any moral community find themselves when, in making a transition to a modern, pluralistic society, they find themselves faced with the dilemma that though they still argue with reasons about moral judgments and beliefs, their substantive background consensus on the underlying moral norms has been shattered” (1998b, p. 39). Consequently, a major problem to be overcome by discourse ethics is the fact there seems to be no impartial point of view from which reasons can represent more than strictly agent-relative interests. Here is why:

In a procedural model of moral justification, rules of discourse supply the “neutral ground” through which proposed norms can be tested for their validity. All

who argue presuppose these rules (what Habermas calls “communicative presuppositions”). This is why rules of discourse are thought to be able to “stand in” as a shared framework. What is interesting about this approach is that it is less determinate than foundational models such as Kant’s framework, in which a proposed action, policy, or moral norm must conform to a CI test. In Kant’s framework, the CI principle goes some way in determining permissibility or moral worth. As long as each person adheres to common laws of reason, they will arrive at the same answer in regards to the permissibility of their actions. Though in fairness, it does not *generate* moral obligations or duties – individuals propose the maxims that are subject to the test. However, in a procedural model there is no substantive test or principle used as a criterion of moral assessment. The criteria, to use the term loosely, are the individuals in the discourse. *They* decide if a proposed action or policy is convincing. While Kant’s CI test sets out the criterion of moral permissibility as that which all *could rationally will*, procedural models set out the criterion of moral permissibility as that which *can be accepted by* all in a public discourse. Kant’s test is one of hypothetical rational agreement; Habermas’ test is a test of actual rational agreement.⁶⁹ Kant’s test is monological, Habermas’ is dialogical. True, we do not always have the resources to undertake a perfect dialogical test. But while we can imagine how a discourse around a particular moral issue might proceed, such a simulation cannot replace real discourses (Habermas, 1998b, p. 65). Otherwise we would be engaged in a monological test again, the only difference is that we imaginatively project what others would argue as opposed to what they could will. The difference is important because unlike the CI test, an individual cannot determine what “could be accepted by all”. There is no set criterion

⁶⁹ This being said, the case for hypothetical agreement as a test of moral or political legitimacy is by no means closed. See Thomas Hill’s (2002) chapter on the limits of hypothetical agreement tests.

which the proposed action or policy can be matched against.⁷⁰ While all persons employ practical reason, our interests and worldviews differ such that reasoning by the individual alone is insufficient to accommodate the distinct interests and perspectives of other persons. In the procedural model, when we say a norm is valid we mean that it could be accepted by all in a public discourse. This is what it means to say that a binding norm is right. But in saying this, the “could” is not a strict hypothetical – when I propose an action or policy as a valid one the proposition must be assessed in a public setting in actual practical discourse. As an individual I cannot decide on behalf of others that all could agree to my proposed action or policy, rather, I can claim that a proposed norm or policy could be agreed to and defended as such in rational public discourse. In this respect, a procedural model of moral reason is a dialogical interpretation of the CI test:

[Kant] tacitly assumes that in making moral judgements each individual can project himself sufficiently into the situation of everyone else *through his own imagination*. But when the participants can no longer rely on a transcendental preunderstanding grounded in more or less homogenous conditions of life and interests, the moral point of view can only be realized under conditions of communication that ensure that *everyone* tests the acceptability of a norm, implemented in general practice, also from the perspective of his own understanding of himself and of the world.

(1998b, p. 33)

However, if the validity of a proposed action, policy or norm rests upon generally convincing reasons, or reasons that all others can recognize as good, it is

⁷⁰ Kant is able to claim that moral reasoning should lead all persons to reach the same conclusions about moral rightness because he interprets practical reason as a noumenal capacity shared by all persons. The standards of practical reason are therefore harmonized prior to the empirical differences of the noumenal world. For a brief but informative contrast between Kant and Habermas, see Rehg (2003).

unclear how those reasons *can* be generally convincing or good. How is this possible? Much depends on the interpretation of practical reason in procedural terms. Recall that in Peters' procedural framework the moral principle of consideration of interests establishes that the interests of *all* persons are relevant in making a moral decision. But it does not say much more than this – once we acknowledge that both my interests and yours are relevant, it is not entirely clear how, when or if my interests can ever trump yours (or vice versa). Moral judgements are difficult in part because they come at a perceived cost⁷¹ – otherwise they wouldn't flag a need for judgement or deliberation. Saying that our interests are of equal moral worth doesn't help much when these interests conflict. When you defend your interests in public discourse, I may be unconvinced because from my perspective, the reasons offered in defending those interests only ring true to you because they support *your* interests, not mine. While a procedure can point to a source of needed impartiality or shared framework for public justification, it might come at the cost of determinativeness, perhaps so much so that a procedural ethic, while “neutral”, is effectively useless in providing deliberative guidance. Accordingly, any appropriately conceived procedure should show how, if followed, reasons offered in discourse can be convincing for all.

We can state the problem in a different way: the reasons that participants offer up in discourse represent a particular interest and these interests often reflect our understanding of the world. Given this fact, how can reason-giving be the medium through which norms could be accepted *by* all as universally valid and applicable *for* all? In addressing this problem, Habermas seeks to replace those transcendent views of the world that purportedly generated objective and impartial (i.e. metaphysical) grounds for moral obligation with the perspective of participants in a rational discourse: “the [post-traditional] moral point of view is supposed to reconstruct this perspective within the

⁷¹ I say “perceived cost”; if moral judgements are warranted by legitimate common interests it is not a cost or loss. See Chapter Seven.

world itself, that is, within the boundaries of our intersubjectively shared world, while preserving the possibility of distancing ourselves from the world as a whole, and hence the possibility of a world-encompassing view (1998b, p.7). In other words, if each participant in moral debate is given the means to generate a perspective that goes beyond one's own situated agent-relative interests, they might find some way of coming to an agreement on the basis of reasons that are convincing from the perspective of all concerned. As we will see, this impartial perspective can only be realized through open moral discourse itself, where the perspective of all others is included. In other words, it is the procedure of moral discourse itself that is supposed to supply the epistemic, impartial "bridge" between differing perspectives and interests.

For Habermas, the "reconstruction from within" is built from our own intersubjectively shared interactions – interactions that occur in actual contexts.⁷² Habermas cites P.F. Strawson's (1982) observation that normativity is inseparable from the perspective of the agents themselves as evidence of this intersubjectivity – we recognize, for example, feelings of injustice, resentment or unfair treatment from the point of view of someone either breaching a moral norm or as the person affected by that breach. The intersubjective nature of morality is further reinforced by the observation that objective or third-person perspectives cut us off from the normatively charged language game of morality – a person cannot experience nor express moral condemnation without committing oneself to a shared world of interpersonal

⁷² Instead of imposing justice and social criticism from a transcendental distance, Habermas grounds the emancipatory potential of moral critique in what Axel Honneth calls "intramundane transcendence" in the sense that the normative potential of any valid critique must be grounded in social reality: "Habermas' theory of communication...represents a counterpoint to negativist social theories [in the vein of a Foucault or Adorno]...it re-established access to an emancipatory sphere of action...in this model we find a theory of language that can demonstrate convincingly that the endangered potential of human beings consists in their ability to reach communicative understanding." (2007, p. 67-68).

experiences.⁷³ I cannot say “what they did was wrong” without presupposing a shared moral world to which both others *and* myself belong. Habermas sees Strawson’s account of moral feelings as pointing toward an important methodological precept (1990a, p. 47), namely, that any meaningful account of morality must start from the perspective of the agents themselves. An empirical study of “moral behaviour” taken from the standpoint of an evolutionary biologist, for example, cannot account for the sense of rightness or obligation that comes from inhabiting a moral perspective. An evolutionary biologist might *explain* the social sanctions arising from transgressions or predict group behavior on the basis of observed norms of conduct. We can say that such individuals are following a rule. However, we can never gain a first-person *understanding* of morally charged semantic statements such as “You ought not to have done that” or “That action was unfair” without ourselves taking on the perspective of the participants affected. The moment we try to interpret the meaning of these claims we already find ourselves taking on the perspective of participants involved in a network of norms and obligations.⁷⁴

This would initially suggest that we could come to an understanding of the moral point of view through an examination of the semantics of moral language – an examination of what participants in public discourse communicating about moral questions actually say to one another. The way that participants talk about morality might help us to identify some common principles upon which participants ground their moral statements. If we look at the general semantic conditions under which a moral statement is taken to be valid or right, for example, we might be able to deduce a common moral principle that all, or at least most of us, share. To give an example, you

⁷³ “The objectivating attitude of the non-participant observer annuls the communicative roles of I and Thou, the first and the second persons, and neutralizes the realm of moral phenomena as such.” (Habermas, 1990a, p. 46-47).

⁷⁴ For a more detailed discussion of the relationship between reciprocal perspective-taking and meaning, see Mead (1967) and Chapter Seven.

could try to deduce the moral rule or principle implicit in a sentence such as “you ought not to steal that car”. The uncovering of this principle would reveal a norm to which all who utter the claim about not stealing (implicitly) subscribe.⁷⁵ Recall that R.S. Peters undertakes a similar approach at times when he tries to generate moral principles that are presupposed by anyone who uses the word “ought”. (Though as I have argued in Chapter Three, he does not always restrict himself to semantic conditions of truth or rightness).

Moral statements may at one time have been taken to be relatively uncontroversial, but this was only guaranteed by founding the warrant supporting such statements upon commonly shared assumptions. The cognitive or epistemic contents of pre-modern moral claims, for example, were in many cases based upon a world ordered by a divine creator or divine creators (1998b, p. 36). On this view, moral claims are assertions about a transcendent order that exists independently of us.⁷⁶ The validity of moral statements is based on the degree to which a claim accurately represents the moral truth or rule given by this order. Here, justified moral claims are those that accurately represent subject-independent moral phenomena.

From the standpoint of a narrow or public morality a semantic, representational model of moral justification does not seem very plausible. Even if different traditions hold in common the *idea* of a transcendent order, they will have very different views of what this order consists in substantively. The epistemic force of a transcendent moral order can only be maintained in a public setting if individuals came to accept that order. But this seems more a deliberation about metaphysics, not morality itself.

⁷⁵ This is precisely the approach taken by R.M. Hare (1972) in his account of moral language as universal prescriptivism.

⁷⁶ This view is sometimes referred to as ‘rule-Platonism’ – the idea that there is an independent order of moral rules that exist above or outside ourselves.

2.1 Moral Validity versus Moral “Truth”

How can a person’s claim to moral truth or rightness be publicly assessed *without* assessing the status of an independent moral order? I may claim that killing is wrong, and my reason for claiming so is that the Bible says as much. It would be arbitrary to dismiss my claim simply because it is in part supported by a belief in a divine order that others might not share. The idea is to coordinate action between people who have very different worldviews, not denigrate persons for holding those views. To do so would be an unreasonable censure of a person’s conception of the good or ethical life. The Innu people’s reasons for wanting their children to participate in their community practices may be informed by an animistic world-view, but it is self-contradictory to dismiss Innu claims *because* of that world-view. If this were the case, the Innu would be equally entitled to reject the views of those that have a more materialist world-view. In an appropriately conceived procedure, we must be able to, at least in principle, seriously consider a moral claim without outright accepting the naturalistic or metaphysical presuppositions underlying that claim.

An important move in this direction is clarity on what is the actual *subject* of moral agreement. In order to achieve this, Habermas makes a distinction between a claim to truth and claims to moral rightness. Moral claims are argued to be *analogous* to truth-claims about the objective world, not identical with them. Empirical claims, for example, refer to an objective world. Moral claims, on the other hand, refer to a social world.⁷⁷ The validity of a claim about our shared objective world rests upon the world

⁷⁷ Work by the early Hare makes some headway with this distinction in his discussion of what he calls the ‘imperative mood’ (for Hare, normative claims are imperative statements): “if [the] criterion of meaningfulness, which is useful in the case of statements of fact, is applied indiscriminately to types of utterance which are not intended to express statements of fact, trouble will result. Imperative sentences do not satisfy this criterion, and it may be that sentences expressing moral judgements do not either; but this only shows that they do not express statements defined by that criterion...it does

itself and is independent of validity. We can agree that a truth claim is valid, but despite our best efforts we might turn out to be wrong. The validity of a claim about morality is, on the other hand, inextricably tied to our conception of validity (1990a, p. 60-61). As Habermas puts it: “assertoric statements used in constative speech acts appear to be related to facts while normative statements are related to legitimately ordered interpersonal relations. The truth of propositions seems to signify the existence of states of affairs in much the same way as the rightness of actions signifies the observance of norms” (1990a, p. 59-60). To put it another way: when we say that a claim about the objective world is rationally acceptable, we mean that the claim *indicates* truth and that the truth of the matter is separate from our actual justification of our belief in that claim to truth. At some point, the world will make up its own mind about our claim. While our social practices might play a role in constructing the conditions under which our engagement with the external world meets our satisfaction, we cannot arbitrarily construct the feedback (i.e. truth or falsity) we get from the world as a consequence of our actions, beliefs and expectations.⁷⁸

On the other hand, while some moral claims may in part be *informed* by the belief that such claims represent an independent order that is *part* of an objective world (a truth claim), we can still assess such claims on the extent to which they tell us something about legitimately ordered normative expectations. The fact that a belief in God is not universally shared does not mean that the normative claims inspired by such a world-view are not defensible in a public setting. The *reasons* proffered by the Innu in defending a normative expectation may not be rationally acceptable by all because the understanding of that norm may be intertwined with their particular cultural beliefs.

not mean that they are meaningless, or even that their meaning is of such a character that no logical rules can be given for their employment” (1972, p. 8-9).

⁷⁸ See Habermas’ *Truth and Justification* (2003) for further discussion of the relationship between pragmatic learning processes and a fact-independent objective world.

But it remains possible that the claim by itself could be justified on the basis of reasons that can be generally convincing.⁷⁹

Proceduralism makes this distinction possible. When we say that a claim to moral rightness is rationally acceptable, it is the *practice* of justification that has determined the validity of the norm itself – validity is necessarily connected to the discursive conditions under which the justification is made (Habermas, 1998b, p. 38). In other words, unlike empirical claims, moral claims reveal an internal connection between the validity claim and validity itself.⁸⁰ Habermas defines truth as “justification-transcendent” and “non-epistemic” while rightness is “justification-immanent” and “epistemic” (2003, p. 254-258). Truth is justification-transcendent because our reasons for accepting a truth-claim do not determine the *facticity* of its truth; rightness is justification-immanent because reasons for or against a rightness-claim determine its rightness. Moral judgements are right when the reasons for accepting the judgement can be generally shared.

The separation of truth claims about an objective world and rightness claims about an intersubjectively shared social world is reflected in Habermas’ emphasis on the communicative dimension of rationality. For Habermas, participants in discourse seek to achieve mutual understanding through communicative interaction. This interaction is termed communicative when “participants coordinate their plans of action consensually, with agreement reached at any point being evaluated in terms of the intersubjective recognition of validity claims” (1990a, p. 58). Habermas divides validity claims in communicative interaction into three distinct types: claims to truth (understood as claims about a shared objective world), claims to rightness (understood as claims regarding normative expectations we hold of ourselves and of others) and

⁷⁹ Recall that for John Rawls, the overlapping consensus on the claim is sufficient. The public reasons supporting the consensus are derived from freestanding principles of justice.

⁸⁰ Recall that in making a claim to moral rightness I am claiming something that could be accepted by all and the vindication of this claim *constitutes* validity.

claims to truthfulness (understood as expressive claims about our authentic 'self').

Moral norms are connected to validity claims of rightness (1990a, p. 58).

Claims to moral rightness (and speech-acts in general) have a performative as well as a semantic dimension. The performative dimension has important consequences for the justification of moral norms. This importance can best be demonstrated by looking at theories of moral justification that limit themselves to a semantic approach.⁸¹ While this semantic dimension was briefly introduced already, it merits further discussion. A semantic conception of moral justification claims that a norm is justified if it can be derived from rules of inference (1998, p. 36). We can take a moral statement such as "taking something without paying is wrong" and infer a moral principle. This approach is clearly connected to a form of epistemological foundationalism – the idea that our knowledge claims rest upon some prior and immutable law or rule. However, a semantic conception of justification is thus open to the charge of leaving justification as something arbitrary. This limitation was referred to in Chapter One as the Munchhausen Trilemma (Apel, 1996).

For example, I can take the claim that "stealing is wrong" and infer that this statement is based upon the moral assumption that we ought to respect the property of others. However, this deduction is not as settled as it might appear to be. The principle "respect the property of others" leads to a further question: why respect the property of others? We then infer another principle in response to this question, maybe something like "we respect the property of others because we ought to respect the dignity of individuals". This answer can be argued to rest upon a further principle, and so on. The only way to break this deductive chain is to stop at an explanation that might meet our particular satisfaction (an arbitrary stopping point) or to return to our first claim which states that stealing is wrong (circular reasoning).

⁸¹ See Hare's analysis of the logic of moral language (1971) as one such example.

In response, both Apel and Habermas refer to C.S. Peirce's observation that language has a three-place relation: the sign, the speaker and the hearer.⁸² For Peirce, language is equally a matter of representation, communication and action: "as representation and communicative act, a linguistic utterance points in both directions at once: toward the world and toward the addressee" (2003, p. 3). This triadic relation also holds for moral claims: the claim that one ought to do something refers as much to a shared social world as it does to the particular addressee(s) one is directing the claim to.

By linking the performative dimension of moral claims with its semantic content, we can understand claims of normative rightness as having an immanent character. Recall that there is an internal connection between the validity of a normative claim and normative validity *as such*: individuals justifying norms must anticipate that their proposed norm can be defended through reasons convincing for *all* concerned and not just the specific audience one may be making the case to in actual discourse. Claims to moral rightness do not have an ontological connotation, rather, the rightness of a claim is judged in terms of its social implications such that it is worthy of recognition (2003, p. 248). When I say that my judgement is right, I mean that I believe that it could be accepted by all persons on the basis of the reasons that I have for taking it to be right. But the fact that this is what is *meant* by my claim does not make it so. Because moral imperatives can only be generalized from the perspective of all persons affected by that imperative, these persons must be convinced of the rightness of that norm in actual discourse. Only then is the claim warranted and my belief in the rightness of the norm justified. And it is through rational discourse alone that the convincing force of a moral imperative can be realized.

⁸² G.H. Mead adopts a similar theory of meaning in his behaviourist account of social-practical relations of communication: "The logical structure of meaning ...is to be found in the threefold relationship of gesture to adjustive response. Response on the part of the second organism to the gesture of the first is the interpretation – and brings out the meaning- of that gesture...this threefold or triadic relation between the gesture, adjustive response, and resultant of the social act which the gesture initiates is the basis of meaning" (1967, p. 80).

2.2 Discursive Validity and Moral Impartiality

If rational deliberation is the only impartial framework for the justification of moral norms, *and* validity is unavoidably connected to our claims of moral rightness that we make in such a deliberation, then it is to discourse itself that we must look in order to understand what it means when we say that a norm is justified or right. Note, however, that the immanent connection between justification and moral validity does not mean that moral justification is a matter of consensus nor does it entail an “anything goes” approach to moral discourse: “[W]e ourselves contribute to the fulfillment of the validity conditions of moral judgments and norms by constructing a world of well-ordered interpersonal relationships. However, this construction is subject to constraints that are not completely at our disposal; otherwise we could not talk about moral *insight*.” (2003, p. 248). While this does mean abandoning an external, Archimedean standard, it also raises the question of what *is* the standard. How, for example, could a person of Innu heritage with an animistic world view convince others of the rightness of his or her claim if others are unlikely to be convinced of everything that comes with that animistic perspective?

Such a standard involves reflection on public justification itself. As I outlined earlier, public justification (and moral justification more specifically) holds to a discursive (or dialogical) standard of validity. Habermas describes discursive validity as follows: “[V]alid norms must deserve recognition by all concerned. It is not sufficient, therefore, for one person to test whether he can will the adoption of a contested norm” (1990a, p. 65). The public nature of practical discourse means that even a universalization principle such as Kant’s categorical imperative, which seeks to

harmonize moral ends through what each individual agent could jointly will, cannot suffice because of the private nature of the test – the fact that each individual submits his or her own maxim and imaginatively projects in order to determine its legitimacy runs the risk of a projection of one’s *own* worldview and perspective (1998b, p. 33; p. 57). For example, if someone with an animistic worldview tried to submit their maxim to the CI test it seems likely that if such a maxim were to pass, it would do so because the person submitting the maxim *assumes* that the animistic worldview holds for all persons.⁸³ It would be similar to someone who judges that stealing is universally wrong, but does so on the assumption that private property is a natural feature of all societies. What *makes* stealing wrong, fundamentally, may be something that is shared by all human societies (perhaps an ideal of respect for persons). However, this does not mean taking an object in the possession of another person constitutes stealing in all contexts. The concept ‘stealing’ is only intelligible where there is private property to be stolen.

Consequently, the validity test for public moral norms must align with an interest that all could recognize: “true impartiality pertains only from the standpoint from which one can generalize precisely those norms that can count on universal assent because they perceptibly embody an interest common to all affected. It is these norms that deserve intersubjective recognition” (1990a, p. 65). The validity of normative claims does not consist in a state of affairs as in the case of truth claims, rather, we understand validity as the worthiness of recognition of a norm of action (2003, p. 258). The obligation to respect private property is in this sense *potentially* generalizable – in a property-owning society, everyone might have an equal interest in the respect of private property.⁸⁴ This obligation would even be valid for those who are not members

⁸³ Note that it is not the animistic view *itself* that makes the generalization wrong. The CI test is not designed to pass judgement on the truth and falsity of worldviews, rather, the normative expectation that people should *all act as if* the world is informed by an animistic perspective cannot be willed.

⁸⁴ This does not overlook the fact that in property owning societies moral issues of inequality can exist. The objection to existing inequality in such a society could nonetheless presuppose the integrity

of property owning societies – they could be convinced that in those cases where there is private property, property rights ought to be respected. In non-property owning societies, however, the obligation is not an *applicable* norm.

2.3 Standards of Discursive Validity: The Discourse Principle (D) and the Derivation of the Universalization Principle (U)

Habermas formulates the discursive conditions of validity for the worthiness of recognition of any proposed norm⁸⁵ in the form of a discourse principle (D):

(D) Only those norms can claim validity that could meet with the acceptance of all concerned in practical discourse.

(1998b, p. 41)

The acceptance of a norm means that the claim was supportable by reasons that the participants in discourse found to be convincing: “acceptance achieved under conditions of rational discourse signifies an agreement motivated by epistemic reasons, it should not be understood as a contract that is rationally motivated from the egocentric perspective of each participant” (1998b, p. 42).⁸⁶

With procedural principle (D) we ascertain the conditions or standards under which a norm can be rightly taken to be publicly justified and worthy of recognition. However, this formulation does not show how a *moral* norm or policy can come to meet the conditions set out in (D) (1990a, p. 66). After all, the recognition of different

of a system of property ownership. The complaint is really one of distribution of property. Alternatively, the critique could be directed at the validity of property rights themselves. It remains possible that in an open public discourse property rights may not reflect a generalizable interest.

⁸⁵ The discourse principle applies to a variety of types of argumentation and, consequently, the justification of norms of action *other* than moral norms (Habermas, 1998b, p. 42). We could apply the discourse principle to democratic norms or legal norms, for example. The specification of a principle of universalization is designed to express the categorical and impartial nature of *moral* norms.

⁸⁶ What Habermas means by “epistemic reasons” (as opposed to other types of reason such as ethical or pragmatics ones) is an important distinction that will be discussed later in this chapter.

norms will accord with different procedural standards depending on what kind of action the norm coordinates.⁸⁷ If we leave deliberation to the broadness of the discourse principle, moral judgements are susceptible to pragmatic and interest-balancing justifications.⁸⁸ An agreement could arise, for example, where the participants take a proposed norm to be a moral one, yet the justification of that norm is based on reasons that were acceptable because they assumed the universality of that group's interests – a limited consideration which falls far short of the ideally (i.e. universally) extended validity and applicability of moral norms and which would not have been convincing for other communities.⁸⁹ Much turns on what would meet the “all concerned” condition of (D). How can participants in *moral-practical* discourse meet the conditions of the discourse (D)? If moral norms, actions and policies are those that are generalizable, how can such norms, actions or policies be tested for their generalizability in the context of public discourse?

2.4 Deriving the Universalization Principle: First Step

Habermas is able to derive what he calls a “bridging principle”, or rule of argumentation, by which participants engaged in moral-practical discourse can meet the conditions set out by the Discourse Principle (D). While the “all concerned” condition of the Discourse Principle can entail different discursive standards depending on the type of judgement or norm in question, the bridging principle establishes how participants can assess the validity of *moral* actions, policies or norms, where all concerned means *all persons*. Because valid moral actions, policies and norms are

⁸⁷ Consider legal norms, which “usually do not display the high degree of abstraction found in moral norms. In general, they do not say what is equally good for all human beings; they regulate the life contact of the citizens of a concrete legal community.” (Habermas, 1998a, p. 153). The legislative norm that we pay parking tickets on time, for example, is not necessarily moral in itself.

⁸⁸ I say “justifications” rather than “arguments” because it is clear that we could make the consideration of pragmatic or interest-balancing issues a matter of moral debate.

⁸⁹ For a more detailed discussion on the differentiation of discourses, see Habermas (1998a, p. 158-162.)

presumed to be generalizable or universalizable, the principle is called the universalization principle (or ‘U’). The derivation of the U principle is undertaken in two steps.

The first step is the premise that participants in rational discourse “understand what it means to discuss hypothetically whether norms of action ought to be adopted” (1990a, p. 92). In other words, participants in practical deliberation are assumed have a pre-understanding of argumentation and the give and take of reasons – without this communicative know-how they would never be able to engage in the practice of rational deliberation to begin with. Participants are presumed to have an intuitive understanding of how to argue and more specifically, what it would mean to justify a norm, even if they do not yet know how such a justification could be undertaken in a way that leads to a *valid* justification (1998b, p. 42).⁹⁰

2.5 Deriving the Universalization Principle: Second Step

The second step consists in the identification of presuppositions of argumentation, which are then stated as rules of discourse. These presuppositions are understood to be idealizations that any speaker must necessarily make in order for argument to be possible. The unavoidability and necessity of such presupposition

⁹⁰ Since this premise is used in the derivation of (U), Habermas cannot assume that participants have anything more than an intuitive sense of what it would mean to justify a norm because to do otherwise would involve a begging of the question in the derivation of the principle. As Kenneth Bayne puts it “[T]he notion of justifying a norm of action... must be understood in a relatively weak sense... it must not be understood already to entail the notion of impartiality that should be defined by Principle U. The idea is rather that we can only infer U from the rules of argumentation if we can assume that a person also has some idea of what it means to justify his or her actions, that is, has some general sense of (and interest in) what it means for a social norm to be acceptable to others” (1992, p. 115). One of the educationally relevant aspects of this restriction is that it assumes a certain set of competences on the part of the participants. This theme will be taken up in Chapter Six.

makes them pragmatic and universal. This method clearly shows some overlap with Peters.

Rather than relying on semantic arguments, however, Habermas establishes the universality and pragmatic necessity of presuppositions of argumentation by demonstrating that any person who argues against these presuppositions is making a “performative contradiction” (1990a, p. 89). Consider the argumentative presupposition that nobody who makes a relevant contribution to argument can be excluded (1998b, p. 44). Habermas claims that we can identify a necessary presupposition because any person who argues against the presupposition is caught in a contradiction: the speaker is including herself by making a claim that stands as a contribution to argumentative discourse. The *performance* of this claim is made on the presumption that the speaker ought to be included in the discourse, yet the speaker’s statement asserts that it is permissible to exclude those who could make a relevant contribution to that same discourse. The speaker is relying on the presupposition of inclusion in order for her argument to be possible, yet the *content* of her speech is to argue *against* this very inclusive presupposition. In an argumentative performative contradiction the speaker is making themselves an exception to a pragmatically necessary argumentative rule in much the same way that a moral agent contradicts Kant’s moral law by excluding themselves from a maxim he or she would will all others to follow (Okshevsky, 2004). It is, in a loose sense, similar to what Kant calls a practical contradiction.⁹¹

Habermas lists the four most important of these universal and pragmatic presuppositions of argumentation as follows:

- (i) that nobody who could make a relevant contribution may be excluded.
- (ii) that all participants are granted an equal opportunity to make contributions.

⁹¹ For more on the practical contradiction interpretation of the CI test (as well as opposing interpretations) see Korsgaard (1996) and O’Neil (1975).

- (iii) that the participants must mean what they say.
- (iv) that communication must be freed from external and internal coercion so that the “yes” and “no” stances that participants adopt on criticizable validity claims are motivated by the rational force of the better reasons.

(1998b, p.44).

Any speaker in argument is engaged in these presuppositions. However, while these presuppositions are necessary and operative features of argumentative discourse, they are idealizations in so far as participants in real practical discourse may not always hold to them. An individual may lie, for example, in order to lull other participants into a false sense of confidence about the claim. Yet, these rules are formally necessary for argument to be at all possible. Unless the presumption is made that people mean what they say in an argument, argument becomes pointless. I have elsewhere called these presuppositions operative idealizations (Martin, 2006).

While participants can be made explicitly aware of these operative idealizations, they are not assumed to be normative in the moral sense. Habermas calls them *argumentative* rights and duties (1998b, p. 44-45). Argumentative discourse, as evident in operative idealizations, is a matter of co-operative competition for the better argument where only reasons settle the matter at hand. In real discourse, we aim to produce the best justification that we can at the time in support of a normative claim to moral rightness. Therefore these rights and duties are *epistemic*, not moral.

Consider, for example, a scientist who is in intense competition with another scientist for research funding. Both seek evidence to support competing theories. The first scientist, in an attempt to ensure that his theory is seen as the more plausible of the two, uses his reputation to block the publication of the other scientist’s results in a prestigious journal. It is clear that in this case, the scientist has contradicted the first presupposition of argumentative discourse, that nobody who could make a relevant

contribution may be excluded. The scientist may recognize that he has contradicted the first presupposition. Further, he knows that by excluding relevant contributions, it remains possible that his theory may not be the best explanation of the phenomena they are both investigating. He knows that he has violated a necessary *epistemic* condition for justifying scientific claims. He may know that he has undermined a scientific enterprise. But he may not have the insight that there is anything morally impermissible about the exclusion of the other scientist. He may see, perversely, that a scientific career is an intrinsically competitive endeavor, and using deceit as a means to be successful in that career is morally permissible.

While he knows that what he has done is epistemically incorrect, he may also judge that his desire to win the research funding is a good reason to act the way he did. The *epistemic* worth of his action and the moral worth of his action involve two distinct forms of assessment, even if it remains true that deliberately undermining an epistemic or truth-seeking discourse can be judged morally impermissible for reasons *other* than epistemic insufficiency. The results of his inferior study, if acted on, may harm others. But this latter judgement is possible only because there are *moral* reasons not to undermine an epistemic discourse, not because argumentative rights or duties *are* moral duties. Conversely, we could have a moral duty to undermine an epistemic discourse. Imagine, for example, that a group of scientists were trying to determine the most painful method of torture. Data gathered from the torture of human victims is, in such a discourse, a relevant contribution and on epistemic grounds ought to be included. But this is not a moral ought – in fact, many of us recognize that in such an instance we would have a moral duty to ensure that the data are not used. Finally, scientists themselves abide by ethical guidelines for moral reasons, even if these guidelines censure contributions that might settle controversial claims to truth.

2.6 The Universalization Principle

Given that, first, participants understand what it means to justify a norm in argumentative practical discourse and second, that they are engaged in operative idealizations (explicitly stated in the form of rules of discourse) when engaged in that discourse, Habermas derives his universalization principle. The universalization principle is stated in the form of a discursive test for the generalizability of a proposed moral action, policy or norm:

(U) A norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientations of each individual could be jointly accepted by all concerned without coercion.

(1998b, p. 42)

It is on the basis of this principle (U) that proposed *moral* norms can meet the criteria set out by the discourse principle (D). On its procedural construal, good reasons are those recognized as convincing from the perspective of participants who are each equally involved in the reciprocal assessment of a proposed norm's accordance with a generalizable interest.⁹² Discursive generalizability does not have quite the same meaning as that which "all could rationally will", rather, a norm represents a generalizable interest insofar as each person could accept the general observance of that norm in a discourse in which arguments rights and duties are mutually respected.

⁹² How does this procedure differ from what scientists do when they argue about a claim concerning the objective world? Cheryl Misak, for example, wonders how Habermas' discursive 'moral inquiry' is meaningfully different from scientific inquiry (2000, p. 37). But this presumes that participants are not *aware* that they are involved in a moral argument and somehow lack the intuitive sense to distinguish between scientific questions and moral questions. Again, such an intuitive sense is taken as necessary for the derivation of (U): "The hypothetically induced principle (D) specifies the condition that valid norms would fulfil if they *could* be justified. For the moment we are assuming that the concept of a moral norm is clear. The participants also have an intuitive understanding of how one engages in argumentation. Though they are assumed only to be familiar with the justification of descriptive sentences and not yet to know whether moral validly claims can be judged in a similar way, they can form a conception (without prejudging the issue) of what it *would* mean to justify a norm." (Habermas, 1998b, p. 42).

On this view, moral justification is a *cooperative* and *reciprocal* search for generalizable interests. According to the U principle, a norm can only be held to represent a generalizable interest if each and every individual has an opportunity to represent his or her interests in an argumentative discourse. The U principle does not *determine* what counts as a relevant reason, but establishes those epistemic conditions that must necessarily obtain for a moral claim to be worthy of recognition. On this view, it is the adherence of participants to appropriately conceived procedural principles of argumentation that make reasons “relevant”. In other words, there is no *a priori* account of justice that decides what makes a reason good or bad, rather, the participants themselves come to decide what is a good reason through their equal participation in open, argumentative practical discourse.

The U principle is meant to account for three aspects of any moral-practical discourse governed by the discourse principle. First, each individual brings their own pragmatic and ethical interests with them into discourse, where we must take into consideration the consequences of the general observance of that norm on each individual’s own “interests and value-orientations”.⁹³ Second, Habermas stresses the “of each” and “jointly by all” aspect of the rule. This is because participants need to consider the norm from the perspective of others (in the form of reciprocal role-taking). They must also be able to revise their self-understanding and their understanding of others – one’s understanding of one’s own needs and best interests can be transformed through discourse. Finally, “uncoerced joint acceptance” indicates that the

⁹³ This formulation is designed to address the criticism, prevalent since Hegel’s critique of Kant’s ethics, that universal moral norms are insensitive to the lived experiences, needs and interests of those affected by their application. For a detailed response of discourse ethics to these criticisms, see (Habermas, 1993b).

argumentative conditions in discourse are such that reasons are no longer simply agent-relative but are treated as epistemic or general (1998b, p. 43).⁹⁴

(3) Discourse Ethics: Distinguishing Between the Good and the Right

One central question raised earlier has yet to be addressed: how can reasoning be the medium through which norms can be justified as universally valid and applicable for all, particularly since procedural moral reasoning does not provide guidance as to how and when one person's agent-relative interests should trump other people's interests? In the process of reaching agreement, am I not required to abandon my own interests in favour of some "collective" good?

This line of critique is found in some strands of philosophical communitarianism. Communitarians object that the epistemic perspective that would be required of an individual in order to undertake an impartial point of view in rational discourse is unrealistic. This claim is based on the premise that individuals are always-already situated in a particular cultural or ethical context (Benhabib, 1992, p. 71). Consequently, adopting a neutral perspective or "view from nowhere" would involve a radical purging of all contextual aspects of our identity. It would necessitate that we become "unencumbered selves" – a role that communitarians rightly take to be impossible. This has implications for a discursive test of moral validity. If the only way I can seriously consider the reasons given in discourse is by adopting an unattainable impartial perspective, discourse doesn't get very far off the ground.

Rather than try to counter this objection, Discourse Ethics takes it on board. One of the important insights of the communitarian critique is that regardless of how

⁹⁴ The cognitive demands of public moral reasoning and 'reciprocal role-taking' are stated in more detail in Chapter Seven.

well conceived a procedural ethic, the procedure stands and falls on the contribution of particular interests. Justification proceeds from a pre-understood context or background understanding (Habermas, 1998b, p. 37). A formal procedure of justification must have content. If discursive validity represents an impartial assessment of moral actions, policies or norms, the impartiality is not gained by encouraging participants to cut themselves off from their own perspectives or interests or from seriously considering the perspectives of others. Such perspectives stand as *contributions* to discursive validity. But how can participants cross the gap between their own situated perspective on what they believe is right or equally good for all, and what is in fact right or equally good for all?

On a discursive conception of validity, valid moral norms are those which all can take to be worthy of recognition irrespective of one's own commitment to the good life (Habermas, 1990a, p. 47). It is only through a clear distinction between the good and the right, Habermas argues, that we can adopt a critical distance on our own perspective (1998b, p. 28). But the distinction does not entail radical abstraction. In fact, my conception of what is good or of value is a *necessary* condition for discursive validity in a way similar to how a maxim is a necessary condition for moral worth in Kant's conception of moral validity.⁹⁵ But neither alone is sufficient. A maxim must be *tested* for permissibility according to a standard. Such a standard must be presupposed if one is to be able to say that one can be mistaken in their moral judgement. On the Kantian model, this distinction is made in terms of what I *prefer* to do and what I am *obligated* to do. While there is nothing morally impermissible with having preferences, having a preference is not a sufficient reason for claiming that the action has moral worth.

People can reasonably differ in what they prefer. As preferences, they are not

⁹⁵ To be sure, the value of tradition should not be underplayed, here. Charles Larmore makes this point clearly: "[T]he exercise of reason does not consist, as a certain modern individualism does, in peeling away the force of tradition so that we may stand face to face with the real. The *Bildung* we receive through our place in history is our very view to reality." (2008, p. 61-62).

something to be assessed in terms of a duty, an obligation or rightness. Similarly, my conception of what is good or of value must be tested for acceptability according to a standard. On the Habermasian model, the distinction is formulated in terms of what my *values* are and what my legitimate *normative* expectations are (1998b, p. 55). Values are not inferior to normative expectations. Normative expectations are not the only thing that “counts” in life. Furthermore, assessing such values for their generalizability does not mean that everyone ought to hold to the same values. As values, they are not properly seen as being ‘right or ‘wrong’. I can value something more or less. I can value athletic activity without holding to the expectation that everyone has a moral duty to participate in athletic activity. When assessing actions, policies, and norms there is an important distinction between the good and the right. This is the kind of critical distance participants need to be able to undertake in their moral deliberations. Adopting a critical perspective does not entail an unencumbered self. In fact, having a perspective is *necessary* for moral deliberation. It is only from a moral point of view which seeks to determine what normative expectations are generalizable that values take on a fallible character.

Habermas attempts to accommodate these self-understandings and perspectives in his universalization procedure. However, once we allow consideration of our self-interests and values into moral-practical discourse, how are we to come to agreement on a norm that must be rationally acceptable from the perspective of all? While our comments on the differences between the good and the right may address some communitarian concerns, epistemological limitations may remain.

This problem is misleading. It is formulated on the basis of a misunderstanding of *why* differing perspectives of the good life are necessary for the discourse ethical procedure. Discourse ethics is at once formal and procedural. It does not stake a claim to or endorsement of any conception of the good life. The only

normative content we have at this point are norms of argument that are taken to be pragmatically necessary for any and every participant in discourse – every member of any form of life “participates in at least some communicative form of life which is structured by linguistically mediated understanding” consisting of “communicative processes and forms of life [that] have certain structural features in common” (Habermas, 1998b, p. 40). These common features serve as the neutral and impartial common ground upon which the framework of justification is constructed.

As I have argued, however, a procedure has no value if it has no content to operate on. Accordingly, Habermas claims that a discourse ethical conception of practical reasoning is not a procedure for generating justified norms (1990a, p. 103).

Norms are not derived from the logic of the procedure:

Practical discourses depend on content brought to them from the outside...practical discourses are always related to the concrete point of departure of a disturbed normative agreement. These antecedent disruptions determine the topics that are up for discussion. The procedure, then, is not formal in the sense that it abstracts from content. Quite the contrary, in its openness, practical discourse is dependent upon contingent content being fed into it from the outside

(1990a, p. 103).

The procedure relies on contributions from people who find themselves in disagreement regarding normative expectations. It is *they* that engage in a process of mutual understanding about the disagreement and it is they that have reasons for disagreeing, not the procedure. They can also deliberate on what *kinds* of content constitute appropriate objects of moral disagreement. Further, the procedure does not resolve the tension between the differing reasons that participants introduce into discourse and the role those reasons play in justifying the proposed norm. If my reasons

for or against a proposed norm are based on my particular interests and understandings (as it should be), how can they have relevance for a moral point of view that aims to distinguish between the good and the right? If I am convinced by *your* reasons, am I not also accepting your framework of value? And if accepting a framework of value is necessary for general agreement, isn't discursive validity actually calling for the imposition of some conceptions of the good over others?

The distinction between “agent-relative” and “epistemic” reasons is worth consideration in this respect. On this view, the *meaning* of our reasons changes in moral-practical discourse. What it means to give reasons is different when they are given under the conditions of reciprocity and in accordance with the argumentative duties and rights that are required of us in discourse. Reasons are no longer given in terms of what *I* or *we* want, or what I think is the best way to live, rather, they become a contribution toward the determination of what would be in the interests of *all*.⁹⁶ The meaning of our reasons change as our arguments successfully aim toward claims to moral rightness – because moral rightness *means* “worthy of recognition by all concerned”, the reasons supporting that valid warrant must be (ideally) general, intelligible and convincing for all.

True, in practical discourse the reasons we give will still have a connection to the values and worldviews that inform our reasons for or against proposed actions, policies or norms. However, in a moral deliberation we “already tacitly accept the

⁹⁶ Finlayson (2000) argues that impartial epistemic reasons are implausible, and that effective moral discourse seeks out agent-relative interests that are universalizable. For example, we can all have an agent-relative interest in access to clean water. And this interest is universalizable without us having to abstract from our own interests and can be held as a matter of enlightened self interest. I may ration my water usage simply because if everyone does this, we guarantee access to water for all. He therefore concludes that it is only such agent-relative interests that can properly represent common interests (what he calls “distributive interests”). While an account of distributive interests is plausible, it is not immediately clear why there cannot also be common interests held in a “thicker” moral sense. Finlayson only makes a case for the former without overturning the latter. Furthermore, Finlayson objects to the idea that reasons can be “agent-neutral”. But I think Habermas would agree - epistemic reasons are the consequence of a discourse where one's own interests (and the interests of others) can be altered, transformed or overturned. This does not require a strictly “agent-neutral” standpoint. I discuss this in greater detail in Chapter Seven.

conditions of symmetry or equal consideration for everyone's interests...every serious participant must examine what is rational for him *under the conditions* of symmetrical and equal consideration of interests" (1998b, p. 24). When I give reasons for or against a moral norm these reasons stand as more than expressions of my values, preferences or private motives: reasons are now taken to be contributions in a co-operative competition for the better argument. The meaning of reasons for me might seem unique and highly idiosyncratic from my individual perspective, but under appropriate conditions of moral discourse they have the potential to gain wider acceptance and coincide with a wide set of interests and self-understandings (either in the sense that we *already* shared these interests, or that we have been convinced on the basis of good reasons to *recognize* this interest as a generalizable one). Reasons take on an epistemic meaning as participants, in seriously considering the reasons others give, engage in reciprocal role taking, where the implications of the norm's general observance for all persons are considered. On this basis, pragmatic and ethical reasons take on an epistemic meaning in moral justification (1998b, p. 24). If we participate in a practical discourse where such conditions of symmetry and reciprocity are fulfilled it is possible for me to understand your reasons (and my own) as something other than agent-relative bargaining or persuasion. I am not arguing that you should recognize my interest *as* my interest, but that my interest can be an interest of equal concern for all others.

By following the universalization principle, participants in practical discourse have the resources whereby they are able to arrive at an agreement concerning a controversial moral norm. This agreement is founded on the basis of reasons that have epistemic meaning under argumentative conditions of symmetry and reciprocity. If all can jointly accept a norm without coercion, the norm is valid because, as the discourse principle of discursive validity states, only those norms that can be accepted by all

concerned can claim validity. And from the moral point of view, “all concerned” means “all persons”: moral judgements reflect normative expectations applicable to everyone.

(4) Discourse Ethics and the Concept of Education

In this chapter, I aimed to show how Habermas’ Discourse Ethics is founded on epistemic conditions that must obtain for any moral norm or principle to be justified. This is in contrast to R.S. Peters’ ethics, whose procedural account is founded on moral conditions that must obtain for norms or principles to be justified. In this respect, Discourse ethics avoids the question-begging form of Peter’s justification scheme.

Aside from establishing the conditions for justifying basic norms, Discourse Ethics makes a clear separation between the good and the right. In making a distinction between evaluations of goodness and judgements of rightness, participants are able to undertake a critical assessment of their own actions and the actions of others in light of their acceptability by others under deliberative conditions of symmetry and reciprocity. A self-understanding of actions and policies from the epistemic standpoint of a moral point of view allows individuals to impartially assess the cogency and applicability of proposed rights, duties and obligations, where justified norms represent generalizable interests.

This account of moral justification not only provides a more plausible case for the autonomy and objectivity of moral claims, it also provides an important step forward in developing a generalizable concept of education. On the view I am putting forward at this point, a generalizable concept of education represents rights and duties that are moral *because* they are of morally legitimate educational worth. This formulation has to operate within a standard of justification for moral rights and duties generally speaking, as well as establish what *makes* some of these rights and duties

relevantly educational in the conceptual sense. In other words, a conception of education should be clear on the kind of moral rights and duties the concept represents. However, what would make a moral right or duty an educationally relevant one is still unclear. After all, what counts as educational worth could differ greatly. Conflicting worldviews of educational worth could be so entrenched in particular histories and traditions that to speak of an epistemic (in Habermas' sense of the term) educationally relevant reason would make little sense.

Discursive validity might indicate the conditions through which norms can be generalized, but it may not indicate the conditions through which generalized norms can represent educationally worthwhile policies. Here we have a procedure through which communities with very different views on education can *in principle* bridge between their differences and arrive at moral agreement. Discourse ethics establishes the conditions of possibility for moral agreement. It does not appear to bridge differences regarding the rational grounds upon which educational considerations are agreed to be morally relevant *because* they are considerations of genuine educational worth. For a moral reason to also be an educationally relevant moral reason, there must be some agreement on what counts as educational worth such that certain moral reasons can in fact be identified as educationally relevant. Discourse ethics might provide a test or standard of *moral* worth. But what is the standard of educational worth that could be used to distinguish basic moral precepts from educational ones? After all, a moral concept of education cannot refer to any and *all* generalizable interests. To do so would render the concept meaningless.

Recall that participants in discourse are presumed to know what it means to justify a norm. They have the communicative know-how required for argument and rational deliberation. However, this know-how only includes an understanding of how moral norms represent behavioural expectations in the most basic sense. Further, the

presuppositions of argumentation are similarly underdetermined in terms of the deliberative guidance they offer. Neither offers much in terms of the moral assessment of actions and policies that are deemed as having educational worth. Of the many generalizable interests that exist, which of these interests could represent interests founded on generally shared (i.e. epistemic) educational reasons? Do such interests exist? These questions will be the focus of the following chapter.

Chapter Five: Applying the Discourse Principle to Educational Processes

Discourse ethics is supported by two main insights: one regarding the basic communicative competencies possessed by persons situated in rational discourse, and one regarding the presuppositions that persons equipped with such communicative competencies must make when they are engaged in rational discourse. On the basis of these insights, Habermas derives a discursive universalization test serving as a framework of moral justification. One of the interesting aspects of Habermas' framework is that it does not presuppose a conception of the person abstracted from their particularities: particular world views and particular interests are a necessary condition for justifying actions, policies or norms. Rather than the atomistic self that has served as a point of contention for many critics of liberalism, for Habermas persons *become* persons through an ongoing process of socialization and communicative interaction with others. I will critically examine both Habermas' conception of the person and his construal of argumentation rules with the aim of developing a revised or expanded justification framework. The way in which this revision is undertaken will be analogous to my earlier revision of Peters' framework. Both procedures attempt to establish an impartial framework of justification, where appropriately conceived procedural rules reflect the necessary conditions for that justification. However, as I will argue, the procedural rules of discourse need to be more clearly stated in order to accommodate morally salient features of many educational disagreements.

In this chapter I will mainly focus on the applicability of the Habermasian discourse principle to educational themes and in so doing, make my rationale for the proposed revision clear. This will involve entertaining various applications of

Habermas' discourse principle, and I will show how these approaches are untenable on the very terms proffered by the discourse ethical approach.

First, (1) I will examine the implications for the application of discourse ethics to educational themes if agreements on such issues are *in principle* impossible. On this account, education is too embedded in particular conceptions of the good life to represent any generalizable content. Here, discourse ethics can at most have the pragmatic role of ensuring that various educational processes do not illegitimately undermine basic moral precepts. This is essentially a procedural interpretation of the composite concept of education justification I detailed in Chapter One. At the other extreme is the idea that educational thinking represents a distinct form of practical reasoning (2). Here, the discourse principle (D) can be applied or 'operationalized' in a way that results in a distinct universalization principle specific to educational agreement. This second model is what I call a *strong transcendental application*, which is essentially a procedural interpretation of an autonomous concept of education justification detailed in Chapter One. I reject both models of application in favour of a 'middle ground' approach (3). This position is a moral constructivist one. Here, I argue that discourse ethics can be used by participants in the justification of generalizable interests that are of *educational relevance*. This model is a procedural interpretation of the nested concept of education justification detailed in Chapter One. Finally, (4) I argue that generalizable interests can in principle be distinguished from educationally relevant generalizable interests, where educationally relevant generalizable interests represent a certain genus of moral agreement. These agreements are distinguished by the *reasons* underlying the agreement in the sense that such reasons have direct implications for educational processes.

(1) Applying the Universalization Principle (U) to Composite Conceptions of Education

Discourse ethics purports to make *explicit* (via a rational reconstruction) the impartial grounds *implicit* in our common communicative structures – the common means through which we argue, represent ourselves, and come to understand one another. By showing how communication can be achieved across different forms of life, participants can engage in the co-operative construction of public moral norms via a discursive principle of universalization. However, it would be inappropriate to directly apply such a principle to practices and policies. As Klaus Gunther has pointed out, it would be mistaken to treat universalization principles as a “super-norms” that can be rigorously applied to concrete circumstances (1988, p. 6). This is a common mistake attributed to interpretations of both the CI test as well as Habermas’ U test (for an example of the latter, see Wellmer (1991)). In both cases, an ethical rigorism results where moral norms or principles are taken to hold for *all possible* circumstances and at the expense of particular features of a situation that are themselves morally relevant.⁹⁷ But ethical rigorism is not a consequence of the principle being somehow *wrong*, but rather comes about because those appealing to it wrongly collapse the justification of a norm with its application. It is clear that just because a norm is recognized as valid and *applicable* for all does not mean that the norm is to be applied in all circumstances. The applicability of a valid norm simply means that all persons agree that the norm ought to be followed in those circumstances in which it is appropriate to apply the norm.⁹⁸ The

⁹⁷ Kant’s infamous claim that it is morally impermissible lie to a would-be murderer to protect his intended victim is one prominent example of this ethical claim.

⁹⁸ See the following by G.M. Singer (1971), cited in Gunther (1988): “[T]he rule derived from the application of the categorical imperative holds only for the circumstances to which it is applied, and, of course, for anyone in the same or similar circumstances, and does not thereby hold for all circumstances. Because it could not be willed to be a universal law that everyone should act in a certain way under certain circumstances, it does not follow that it could not be willed to be a universal

applicability of the norm will in part be determined by the reasons upon which the norm was justified. This is of particular relevance to moral justifications pertaining to educational themes because as stated I believe that Habermas' rules of argumentation obscure epistemic presumptions that individuals abiding by the principle must make. If the rules of argument are stated in a way that renders the procedure upon which it is based insensitive to its own educational implications, some reasons that should otherwise be central to the justification of some generalizable interests may be precluded. For example, let us assume for the sake of the argument that among these obscured epistemic presumptions is the inclusive presumption of initiation into practical discourse.⁹⁹ If I am right about this, a procedure that does not make this form of inclusion clear leaves participants unlikely to address those types of actions, policies and norms that education is often concerned with – the socialization of persons. If such persons are among those affected by the general observance of a norm, then they are in principle included among those who can (or should be able to) make a relevant contribution to discourse.

However, if the epistemic presuppositions of argumentation are not interpreted to entail this degree of inclusion, it will not be seen as contradictory to exclude such contributions. Consequently, participants in a universalization procedure may be ignoring an entire group of suppressed generalizable interest of educational relevance and applicability. So it is not that applying U to educational themes is unable to generate educationally relevant moral conclusions, but rather that the procedure may be illegitimately screening out contributions that would otherwise pertain to the

law that everyone should act in that way under certain other circumstances. Indeed, on the basis of the categorical imperative, an act which could be wrong in certain circumstances may well be right in other circumstances" (p. 165).

⁹⁹ This case will be argued more thoroughly in the following chapter.

justification of educationally relevant norms.¹⁰⁰ Therefore, I wish to define the possible *limits* of Habermasian discourse ethics in reference to normative issues in education. The identification of these limits can, in my view, facilitate a more epistemically inclusive formulation of the moral universalization principle.

Or can it? Whatever appeal it might have, discourse ethics does not purport to settle all moral disputes. Nor is a procedure of moral justification a panacea for every social quandary. First, the success of moral justification hinges on the participants' willingness and ability to use reciprocal role-taking to uncouple their agent-relative perspective from considerations of what is equally good for all. Yet, even if these conditions are met, there remains the possibility that practices that involve socialization and that are often viewed as 'educational' are so deeply rooted in a culture that such a task is impossible. Here, the notion of abstracting educational actions and policies from specific cultures wouldn't make any sense. If this is the case, educational practices simply cannot be justified on an impartial moral basis – disagreements over educational worth are not really *moral* problems (i.e. it does not make sense to try to test them for their generalizability), but problems relating to how particular communities want to shape themselves – in other words, educational actions are simply good promoting in the sense that Peters thought. And so we may have good reasons for suspecting that there is nothing obligatory about educational value. Education may always be constrained by rightness, but there is no "ultimate justification" for education as such and there are no educational values that could in any sense be argued to be equally good for all.

Habermas cites the abortion debate as one contemporary example of where rational discourse may be unable to provide a definitive moral answer. While we cannot

¹⁰⁰ "The moral principle does not itself determine the specificity of a norm; even a mode of action in a situation can be universalized" (Gunther, p. 1988, 164). Participants determine the specificity of a norm based on the reasons used to justify it. A procedural principle must not discourage those reasons from being "let in", and this also applies to "modes of action" with educational aims in view.

presuppose that there is no such answer, “at this stage of the debate, both sides in this dispute appear to have good, perhaps even equally good, arguments” (1993a, p. 59). On the one hand, it may simply be that at present we do not have enough information to reach a moral agreement. So while there may be a definitive answer, we simply do not have the resources to answer the question. But more disconcerting is the possibility that we cannot even *in principle* reach a moral agreement. For example, Habermas suggests that the reasons underlying each perspective and the nature of the choice are too agent-relative: “it might transpire that descriptions of the problem of abortion are always inextricably interwoven with individual-self descriptions of persons and groups, and thus of identities and life projects. Where an internal connection of this sort exists, the questions must be formulated differently, specifically, in ethical terms” (1993a, p. 59-60). Recall Habermas’ distinction between moral and ethical-practical reason. What Habermas is saying is that the understanding individuals employ in making such a decision is so bound to one’s identity and conception of the good that it would be impossible to consider the situation from an impartial moral point of view—the significance of the choice one must make under such circumstances is too contextual and tied to one’s own conception of a well-lived life to generalize across cases. Such questions simply don’t make sense from the ‘equally good for all’ perspective (other than the right to make such a choice).

I identify this limitation because what might hold true for one normative issue may also hold for educational issues as well. Other than cases where proposed actions or policies intersect with basic moral issues such as punishment or indoctrination, education may be too deeply woven into the shared identities of particular communities to speak intelligibly of ‘generalizable interests’. This would be a vindication of Peters’ view that the word ‘education’ essentially means initiation into what is worthwhile. We have some reason to take this possibility seriously. The most cursory glance at debates

in education, or at the wide range of practices of socialization across the world, suggest that educational values have a certain degree of cultural specificity. A person's education is couched in terms of what they want (or what they want their children to become), linking to some conception of the good or of human flourishing. Similarly, primary education of the young often involves putting them in touch with skills, dispositions and knowledge that will guide them toward what we think are the most worthwhile paths that our particular society has on offer. These paths can differ greatly from other societies.

Accordingly, the concept of education may essentially be teleological. Claims about the universality of education may turn out to be nothing more than an imposition that undermines these teleologies.¹⁰¹ Yet, it would seem counterintuitive to restrict the flourishing dimension of education any more than is morally required. While educational actions and policies can and should be constrained by negative duties – education is not morally exempt - many educational aims and ideals do not transgress moral precepts and choosing among those aims may be best left to whatever world-view a particular community wants to endorse.¹⁰²

Given that educational actions and policies are often linked to aims that can change, perhaps the best that moral-practical discourse can do is to ensure that such practices do not fall outside of what is generally agreed to be morally permissible. If

¹⁰¹ By 'teleological' I mean the endorsement of some chosen, dominant aim toward which all other activities are directed and judged to be relevant or worthwhile.

¹⁰² This position is similar to some accounts of Kant's construal of the moral point of view. Both Albrecht Wellmer and G.H. Mead, for example, arrive at similar reservations about the moral point of view. Specifically, they both argue that the categorical imperative suggests a logical priority of non-generalizable maxims (Wellmer, 1991). What we are permitted to do is a wide-open practical space that is simply defined by what we *ought not* to do. Mead puts it as follows: "Any constructive act is...something that lies outside the scope of Kant's principle. From Kant's standpoint you assume the standard is there; and then if you slip around it yourself while expecting other people to live up to it, Kant's principle will find you out. But where there is no standard, it does not help you decide... What Kant's principle does is to tell you that an act is immoral under certain conditions, but it does not tell you what is the moral act." (Mead, 1967, p. 381). The problem is germane to education because we can have many different culturally situated aims of education which may be morally *permissible*, yet we seem to have no way of knowing which ones among them we *ought* to pursue as a moral matter (for a response to Wellmer on this and other related points, see Habermas, 1993a, p. 30-39).

this were true, the application of discourse ethics to educational themes would be very different from what I have been trying to suggest so far.

This approach could be a kind of “pragmatic utopianism” – a view that embraces the often contingent and contextual nature of educational values (Martin, 2006). This would represent a discourse ethical interpretation of composite conceptions of education justification I outlined in chapter one. Here, judgements about educational actions and policies would be neither distinctly prudential or moral, but simply the product of a weighting of a variety of competing reasons ranging from legal, political, prudential, and moral. Pragmatic utopianism would combine the pragmatist premise that rational discourse is a process with no determinate end point with the normative premise that legitimate solutions to problems can only be realized when deliberation about these problems is open to all concerned. The pragmatic concern acknowledges that what we define as a problem and what we recognize as a solution will always be changing as historical, economic and social circumstances change and that those affected by these changes are, in turn, incorporated into an ongoing problem-solving process. The normative premise acknowledges that legitimate public discourse about these problems calls for reciprocity and symmetry between participants, the ability to account for the reasons behind claims to rightness, and the inclusion of all concerned. The normative premise and the pragmatic premise dovetail when we try to construct a legitimate conception of education. Rather than appeal to discourse ethics in order to determine in what specific ways education is moral, the pragmatic approach would simply ensure that educational actions and policies do not illegitimately infringe on the interests of others. It will be continually refined as we learn from new problems and challenges. It will become richer and more diverse as discourse about education becomes increasingly public and inclusive. In this application of the discursive universalization principle, claims about what is of educational worth are “fed” into a

discourse ethical procedure and face public scrutiny. All affected by the general observance of proposed policies, actions and norms should have equal opportunity to participate in discourse regarding the legitimacy of those proposals. But there would be no presumption that there is anything morally intrinsic about educational practices that can recommend us as to what we *ought to do*. Nobody is obligated to adopt such policies in their community, and we can always remain open to the possibility that such policies will no longer be seen as having worth down the road.

(2) “Operationalizing” the Discourse Principle for Autonomous Conceptions of Education

Another approach would involve a move in the opposite direction. The discourse principle (D) states that those norms are valid that could be accepted by all concerned without coercion in practical discourse. Recall that the universalization principle (U) is a specific operationalization of (D) when applied to moral reasoning (1998b, p. 45). We can call this U^M . U^M is designed to show how participants can reach a rationally motivated agreement when moral validity pertains to all persons.

Now, one approach might be to assume that educational reasoning is a distinct form of reasoning (i.e. education as an autonomous concept). As in the case of U^M , one could then operationalize (D) in the form of an educational universalization principle (U^E) – a principle that establishes a discursive test for generalizability in the same way that we test for moral worth. Like U^M , U^E aims for discursive generalizability or universalizability, but represents the impartial justification of what would henceforth be called educational norms. Accordingly, a hypothetical U^E would test for some aspect or aspects of education that are, as John Wilson would argue, of a transcendental and transcultural character (1979, p. 15).

If the pragmatic application of discourse ethics was of a broadly contingent and contextual view of educational practices, this second view could best be characterized as a strong transcendental view. The strong transcendentalist argues that education is distinct from morality (and other forms of practical reasoning) and representative of a distinct set of values. Wilson develops an argument similar to this in reaction to what he sees as perspectives on education that are too contextual, ignoring what he believes to be transcendental and formal foundations of education, foundations that need to be identified for any intelligible and rational debate on educational policy:

[I]t is, in fact, an open – and very important – question how far we may reach agreement about matters of education without abandoning rational discussion in favour of the advancement of particular ideologies or ‘commitments’. I believe that we can advance a good deal further than it is nowadays fashionable to suppose. But we can only do this if we are prepared to shelve those specific (substantive) question of contents...in order to concentrate more closely on the form of the enterprise...Indeed, it is difficult to see what could be meant by ‘rational discussion’ unless we had *some* grasp of unalienable or nondisputable criteria in terms of which discussion could move towards, if not reach, a conclusion.

(1979, p. 66).

I find aspects of this argument appealing. However, a strong transcendentalist such as Wilson is left with a difficult task. Specifically, he must show how participants engaged in “educational reasoning” can meet the conditions set out by the discourse principle in the same way that Habermas had to bridge between the discourse principle and moral reasoning. U^E must take a form *different* from the moral U^M . In other words, the discursive test must be conceived in such a way that the “form of the enterprise” is

represented in the procedure. If education is autonomous and distinct from morality, a discursive U^E must reflect those formal differences.

On the surface, such a project may have some plausibility. After all, the discourse principle reflects a larger project of normative justification and has implications that run beyond the scope of public morality. Habermas himself comes to this conclusion: “(U) only operationalized a more comprehensive principle of discourse with reference to a particular subject matter, namely, morality. The principle of discourse can also be operationalized for other kinds of questions” (1998b, p. 46). It stands to reason, then, that if education, like morality, has a “residual normative substance” (p. 45) that is valid beyond the horizon of particular societies and communities, it may also be possible to operationalization (D) for educational themes.

As an example, what might such an operationalization look like? Consider the ideal of critical thinking. Perhaps critical thinking overlaps with so many competing ethical views that it is plausible to make the inductive claim that critical thinking is context-transcendent in Wilson’s sense. Could this be the basis of a discursive principle for education?

Probably not. In the first place, critical thinking might only be an expression of those broader values found within liberal democratic states – we would also have to see values of critical thinking represented in non-democratic states as well. But even if critical thinking was found in democratic and non-democratic states alike, the *reasons* supporting the ideal of critical thinking may differ. Some may see the value of teaching for critical thinking largely within economic terms, for example, in terms of the role that it has in ensuring that citizens make prudent financial decisions. The underlying intention here is to promote a stable economic community. Others could see critical thinking as the best means to maintaining a critical attitude toward free market economics. The perspectives share an overlapping conviction about critical thinking,

but the reasons underlying these convictions differ. In each case, critical thinking is deeply rooted in conflicting perspectives of what is good for the community, for example. While the ideal appears to be the same, it could easily come into conflict. The state might seek to further the health and safety of the population by imposing an exhaustive program of critical thinking about fast food advertising, while others work hard to ensure that the targets of such training remain steadfastly skeptical of the state and its aims. Because the justifications for the ideal differ, the applicability and generalizability of the ideal will be different in each case. This does not mean that an interest in the promotion of critical thinking could not be in principle a generalizable one. Regardless, on its present justifications the development of this competency could remain at odds. The conflict arises when the reasons each camp has for supporting critical thinking begin to clash, revealing competing values and interests.

This conflict is partly a product of a perceived inability to work from a common ground – the search for a consensus on “common values” will not always settle public questions because the reasons supporting conflicting values will differ and so judgements based on such values will also differ. But it might be possible to get around the problem of common ground. What if we were able to identify presuppositions specific to educational practices in a manner similar to the identification of presuppositions of argumentation practices? Could this serve as a neutral ground? Would this represent the “form of the enterprise” as Wilson sees it? The transcendentalist could argue, for example, that the practice of teaching presupposes a minimal rational capacity on the part of learners - people can only learn *as* learners when they engage with the world through learning processes that involve intelligent and cognitive coping with their surroundings. This could then be argued to be a pragmatic presupposition: the teacher (or anyone who teaches for learning) *must*

presuppose the learner's own cognitive and rational agency. To do otherwise would make teaching pointless. It simply would not *be* teaching.

This means, for example, proposing to train people via a system of rewards and punishments could not represent a legitimate educational process on the grounds that the students only incidentally acquired certain responses, responses that were not subject to critical evaluation by the student. This is not really education. A person who teaches someone how to do something by explaining a new procedure or process (such as how to improve one's ability to construct a fence, for example) would not bother to do so unless they presupposed that the person's prior knowledge was rationally revisable, changeable and open to intelligent and critical assessment by the learner. Anyone who claims to be teaching is committed to such a pragmatic presupposition.¹⁰³

This presupposition could then be used as a premise in the derivation of the following principle U^E:

Those norms are valid where the foreseeable consequences and side-effects arising for the developing competencies for critical thinking and rational assessment of all concerned as a result of the norm's general observance can be accepted by everyone.

On this account, a generalizable concept of education would be based on a discursive principle of critical thinking (U^{CT}). Participants, who already know what it means to justify normative claims, can now give publicly intelligible, epistemic reasons showing how policies that violate this principle would be educationally impermissible or non-generalizable. Proposed policies, for example, that cut funding to the extent that it becomes inordinately difficult to create an environment amenable to critical thinking

¹⁰³ Note that I am only supposing the possibility of such a presupposition as an example. I do not defend the validity or facticity of this presupposition. At the very least, the presupposition assumes an undefended conceptual connection between education and school teaching.

would likely be deemed to be unacceptable. As a generalizable educational value, critical thinking would take practical priority over others initiatives.

The ideal of critical thinking is a laudable one and may in fact be indispensable for living a good life in modern society. Yet, there is no evidence that the hypothetical presuppositions upon which an imagined U^{CT} is based are in fact necessary for the practice of teaching.¹⁰⁴ The tradition of a teacher-student dynamic made intelligible through generic concepts such as “intelligence” and “cognition” have far-reaching effects on modern education. However, these concepts are not in themselves unavoidable and universal – let alone formally required. We could just as easily have a conception of hedonistic learners on the basis of a presupposition that people respond only to pleasure and pain. The assumptions underlying a cognitive and a hedonistic conception are themselves subject to justification.

In order for a discursive presupposition (such as argumentation) to be transcendental in scope they must “be so general that it is impossible to replace them by functional equivalents; they must be constituted in such a way that they can be replaced only with discourses of the same kind” (1990a, p. 83). If a mode of discourse is founded on concepts that dictate answers to the very questions to which the discourse is aimed, the analysis essentially begs the question: “the delineation of an object domain must not already prejudge the normative content of its presuppositions, or one will be guilty of a *petitio principii* that could have been avoided” (1990, p. 83). It is clear that the above case stands as an example of such a prejudgment: we presume that teaching is necessarily connected with concepts such as agency and autonomy. But this conception of teaching is normative – presupposing values that have yet to be justified as generalizable and applicable to all. It is taken to be of greater worth than other forms

¹⁰⁴ However, Endres (1996) has argued that participation in a Discourse Ethics-like procedure could be used to promote critical thinking in young learners. For more on Discourse Ethics’ possibilities for critical thinking and moral education see Sprod (2001).

of training or socialization. It should then come as no surprise that the answers to our educational deliberations come back in favor of proposals advocating critical thinking and rational autonomy. The analysis assumes that learning and rational autonomy ought to be connected – a presupposition that is by no means necessary or unavoidable.

Critical thinking is an ideal, not a presupposition. Ideals are valuable. But they are not impartial. The fact that they are not impartial makes them no less important. They can represent a particular take on the world that many hold to be of importance. Our reasons for holding to those ideals can reflect a unique set of experiences that are deeply personal or political. Or they can animate an entire people. Ideals are valuable in their own right *as* ideals. But they cannot be unqualifiedly used as a basis of justification, nor do they always represent something that is equally good for all. The generalization of an ideal presupposes an impartial framework of justification through which the ideal can be assessed – without this framework such ideals can be used to undermine the ideals of others. It is for this reason that basing a conception of education on an account of what education “really is, ideally” seems to be an unwise place to start. If education ought to be a certain way, it ought to be this way because it reflects actions, policies or norms that all can agree to, not because education has some essential, transcultural features.¹⁰⁵

My proposed alternative will involve striking a path between the “contingent” view of education, on the one hand, and the “strong transcendentalist” view, on the other. A transcendental account of education seems implausible. A pragmatic account abandons the possibility of substantive moral agreement on educational issues altogether. For Habermas, “in the absence of a substantive agreement on particular norms, the participants must now rely on the ‘neutral’ fact that each of them participates in some

¹⁰⁵ But even if it did, would this make educational norms obligatory? What would it mean when an educational norm conflicted with what morality demands? Just because certain concepts may be necessary for educational practices to be intelligible does not mean that they are good warrants for the justification of actions as a matter of obligation.

communicative form of life which is structured by linguistically mediated understanding” (1998b, p. 40). It is from this basic fact of communicative life that Habermas is able to reconstruct a moral point of view. My alternative is to continue this line of argument by expanding on the conditions necessary for the discursive redemption of moral norms in a way that can better accommodate educational interests.

(3) Framing a Middle Ground: Discourse Ethics and Nested Conceptions of Education

Part of the justification of an approach situated “in between” transcendental and contingent accounts involves a discussion of rationale: why should participants find it necessary to abstract from their traditional socio-cultural conceptions of education when justifying actions, policies or norms in the first place? Why make an appeal to an epistemic, reason-giving discourse?

Some educational disagreements certainly involve revising what a particular community sees as worthwhile. Unlike the transcendentalist, nested justification does not account for everything of educational value. It seeks only to account for those educational claims that could be generalizable via public justification. In modern Innu communities, for example, deciding which traditional practices to pass on is a reflection on the kind of community that Innu society wants to be as it adopts aspects of European culture. Discourses of this order address important issues of identity. Education is clearly a part of this. However, some educational deliberations are the product of conflicting expectations that pertain to *all* others and not just a specific people – a conflict of public morality. We can get a better picture of what a moral educational controversy might look like by examining the rationale of the discourse principle (D):

The discourse principle provides an answer to the predicament in which the members of *any* moral community find themselves when, in making the transition to a modern, pluralistic society, they find themselves faced with the dilemma that though they still argue with reasons about moral judgments and beliefs, their substantive background consensus on the underlying moral norms has been shattered. They find themselves embroiled in global and domestic practical conflicts in need of regulation that they continue to regard as moral, and hence as rationally resolvable, conflicts; but their shared ethos has disintegrated. The following scenario does not depict an “original position” but an ideal-typical development that could have taken place under ideal conditions.

(1998b, p. 39).

Educational actions, policies and norms that exist within different communities are not *de facto* morally impermissible. Ideally, they are based on differing values that are worthwhile from the point of view of each community. However, when different communities with different values find themselves in a situation where they must live together, practical conflicts arise as each group finds that the other community’s norms don’t quite cohere with their own. However, it is at this very moment that the distinction between the *ethical* and the *moral* point of view becomes clear. While each community may have certain practices that are enshrined in tradition (the way certain learning resources are distributed or the ways in which a community values knowledge), judgements about these practices no longer have the familiar sense of “obviousness” that they once had before. Certain rituals no longer seem “simply” proper, and previously unquestioned norms no longer have the firm anchoring they once had. Community A is given reasons why its own policies are based on norms that are invalid from the perspective of community B (and vice versa). But agreement is necessary insofar as they must live together. It now becomes clear that there is an *expanding* point

of view that cannot comfortably settle the ethnocentric embrace of one's own practices. Individuals must face the possibility that their own norms of action no longer unproblematically represent what one ought to do once the needs and interests of different others are taken into account.

Instead of a conflict where one value is asserted in order to achieve dominance over another value-system, a moral agreement is sought through a search for the *right* norm of action. In the case of the debate between "settler" teachers and Innu parents discussed in Chapter Three, for example, an agreement is sought with respect to a norm that is universally valid but also applicable to the situation at hand. The Innu, for example, might convincingly argue that a norm of respect for traditional practices of socialization is universally valid and trumps the values underpinning state schooling. While it might conflict with some of the preferences of teachers, the epistemic force of the better argument means that they cannot but recognize that the moral obligation to respect tradition takes priority over their own interests. But this recognition is not a loss. We could imagine, for example, that in the process of reciprocal role-taking the teachers realize that the value they place on institutionalized education is *itself* a kind of tradition. When the teachers argue that Innu parents should respect formal schooling, they are in fact arguing for parents to respect their *own* tradition, not a traditional that is universally shared. We could imagine that this leads to the further discovery by the participants that respect for traditional practices of socialization represents a *generalizable interest* and both sides are in fact appealing to the same interest. Recognizing and respecting Innu practices is not an imposition on the teacher's interests, but a recognition of something that is equally good for all, including people of non-aboriginal descent.

There are other alternatives. Participants don't always have to resolve their moral disagreements by constructing and justifying proposed norms. It may turn out

that there are already a variety of justified, universally valid norms that might be applicable to the situation at hand and that the deliberation is more a matter of trying to determine which norm is appropriate. My point about application is to reinforce the notion that justified norms have an abstract status as a consequence of their generalizability and scope. It is not as if the Innu parents are trying to justify a norm such as: “one ought to respect Innu parents’ choice to send their children to go on traditional hunts”. A valid norm confers legitimate *symmetrical* expectations – they have to apply equally to all parties. The norm would also have to apply to European-based communities and the specification of a respect for hunting practices alone does not quite capture this. The judgement that others respect initiation into hunting practices is derived from the application of the more abstract norm that traditional practices of socialization ought to be respected.

While the design of institutions could be introduced as part of an argument for or against the validity or applicability of a proposed norm, this does not mean that a discourse-ethical approach to the justification of education presupposes formal institutions.¹⁰⁶ The discourse principle may be particularly relevant to modern models of public education because public education is (ideally) an inclusive space of which many different cultural groups partake. This does not mean that discourse ethics presupposes the legitimacy of formal schooling. It is possible, for example, that a moral controversy might arise over various practices of human development and socialization found within the family. Some norms, while universally valid, may be less applicable in

¹⁰⁶ A member of the Innu community might claim, for example, that state education was imposed upon the Innu people. Consequently, the politically (and morally) illegitimate imposition of the school as an institution suggests that parents and children have no moral obligation to follow the educational policies of the school board. In fact, refusal to assent to its policies might be construed as a morally worthy act of civil disobedience. Further discourse might lead to the more subversive insight that, insofar as the teachers themselves take on a moral commitment to the children they are responsible for, they might have a moral obligation to *support* such acts of disobedience.

the context of public education and more applicable in family situations.¹⁰⁷ The “ideal-typical” discourse-situation takes place only when a shared ethos about educational values can no longer be appealed to in the resolution of controversial moral problems.

We can see the rationale for this theory of justification in the following terms: i) it sets out an impartial procedure for regulating practical conflicts where the participants seek a moral solution, ii) it makes no unwarranted value-judgments about the kind of educational institutions and practices, formal or informal, that might serve as the context of the moral dispute. Finally, iii) discourse ethics is particularly relevant in those cases where different cultural communities increasingly overlap, including the ways that these communities socialize members of their own communities. On the discourse ethical account I proffer, a generalizable concept of education is based on moral agreement on educational interests. However, this agreement is not secured by staking out a distinct form of reasoning, (as the strong transcendentalist might suggest) or by viewing educational interests and value as contingent matters (as in the pragmatic approach). Rather, education justification is based on a rationally motivated agreement on generalizable interests that have *educational relevance*.

(4) Educationally Relevant Norms: Generalizable but not *General*

More needs to be said about such interests. From the moral point of view, only a generalizable interest can be sufficiently abstracted from culturally conditioned values

¹⁰⁷ This is not to say that family relations can and should only be regulated by universal moral principles. Axel Honneth, following suit from important contributions by feminist authors concerning the moral dimension of emotional bonds such as care, makes the following important qualification about the morality of the family: moral considerations based on morally shared feelings “require that those involved have a mutual preference for each other, which has to correspond to individual needs and capacities...that is why the reasons one can advance in order to appeal to those types of obligations differ from the reasons advanced when referring to universal principles of justice. Instead of putting forth reasons that all other subjects should be able to accept rationally, we present reflections of a very personal nature, which ought to be plausible only on the basis of other people’s affections for us.” (2007, p. 157). Such considerations are in no way exhausted by moral norms.

such that it can express an obligation worthy of recognition by all affected. Habermas characterizes generalizable interests in the following way:

In practical discourses, only those interests “count” for the outcome that are presented as intersubjectively recognized values and hence are *candidates* for inclusion in the semantic content of valid norms. Only *generalizable* value-orientations, which all participants (and all those affected) can accept with good reasons as appropriate for regulating the subject matter at hand, and which can thereby acquire binding normative force, pass this threshold. An “interest” can be described as a “value-orientation” when it is shared by other members of a community in similar situations. Thus an interest only deserves consideration from the moral point of view once it is stripped of its intrinsic relation to a first-person perspective. Once it is translated into an intersubjectively shared evaluative vocabulary, it is no longer tied to contingent desires and preferences and can achieve, as a candidate for value-generalization in moral justification, the epistemic status of an argument.

(1998b, p. 82)

To continue an example, the Innu could not have convinced the teachers of the *moral* worth of a respect for tradition by making an *ethical* claim such as: “going hunting is a worthwhile activity and part of a life well-lived”. Such an argument would not readily fit with the interests or value-orientations of your typical city-dwelling teacher. This is not because the judgement that we ought to respect traditions is wrong but because the categorically binding force of the claim is obscured by the semantic content through which it is stated. But this can be clarified: an appeal to “respect for tradition” is more likely to be subject to rational assessment (and acceptability) by all concerned as opposed to something more agent-relative such as claiming that “hunting is a good”.

The search for a generalizable interest as a way of regulating practical conflict is one way of marking off moral questions from questions of ethical value, perhaps even for educational themes. However, this does not explain how we can distinguish a general or basic moral interest from one that could properly be called educational. What I mean to argue is that while discursively justified educational claims are moral and therefore *universalizable*, they may be less general in terms of the kinds of situations within which such claims would be *relevant*. The reason why we can call these claims or norms educational is due to their applicability *as well as* their justifiability.

Reasons pertaining to initiation in practical discourse may be moral, for example. Following the principle of IPD is something that we have an equal interest in.¹⁰⁸ But judgements about initiation will typically be applicable to the ways in which we socialize developing persons, and on this basis can be judged educationally relevant.

The distinction between justification and application needs more unpacking, here. The norm that we do not perpetrate violence on other people, for example, is abstract *and* general. It is abstract in that it states a normative expectation valid and applicable to all persons. It is general in that it is a basic norm that could be applied to a wide variety of circumstances. We can appeal to this norm in almost *any* situation where one person intends to harm another. Educationally relevant norms are also abstract in scope in the sense explained previously. But their applicability is not so general. They refer to certain kinds of actions, policies and practices where educational concerns are prevalent. While they may remain valid and applicable for all persons, the contexts within which they may appropriately be applied may be narrower than basic norms of non-violence. For example, it is probably inappropriate to appeal to the norm of non-violence if we are in a consensual kickboxing match. The objection might be that the term ‘violence’ has a particular meaning in this context. But the distinction I

¹⁰⁸ Note that the principle of IPD is only being used as an example.

am drawing is not to show that violence and similar normative language is *contextual*, but that the *meaning* and *relevance* of the norm are contingent upon the *reasons* given in justifying it. In a kickboxing match, what we engage in is not ‘relevant’ violence from the point of view of the valid norm. It is not the kind of violence the norm is supposed to protect us from. The norm of non-violence serves to protect us from being subject to unwanted harm (mental, physical, emotion) as we conduct our lives. The semantic difference can obscure that fact that we can make a distinction between the violence of the kickboxing ring and the violence of the local pub in applying the norm because the reasons used to justify a norm of non-violence refer to the generalizable interest we have in being safe from unsolicited harm. But the harm of the boxing ring is different. In fact, those with a passionate interest in boxing may have good reasons for objecting to a norm of non-violence justified on the presumed generalizable interest of a total ban of all forms of violent behavior. At the least it perhaps unnecessarily puts a moral ban on a sport many people value a great deal; of more seriousness is that it would make self-defense morally impermissible.¹⁰⁹

Like basic norms, educationally relevant moral norms reflect generalizable interests. However, unlike the norm of non-violence, their applicability may be narrower because of the reasons underlying the norm. Consider a hypothetical norm of development of mind. The norm states that we have an obligation to socialize developing persons such that they have an opportunity to develop their mind. It is probably inappropriate to appeal to a norm of development of mind in an interview for medical school. The medical school does not have a moral obligation to take you in because you wish to develop your mind. The objection might be that this is only because the term ‘development of mind’, like the term non-violence, has a specific meaning. But again, the semantic point can obscure the fact that we can make a

¹⁰⁹ Nor should it make pacifism morally impermissible.

reasoned distinction between a mature adult who wishes to be trained into the medical profession when assessing the *applicability* of the norm because the *reasons* used to justify the norm refer to the distinct generalizable interest we all have in having our mind developed (even when we may not be able to make claim to the obligation because our own mind is not yet developed). The rationale of a medical school does not fit this purpose, even if the norm of development of mind is itself a valid one. So while the applicability of this norm (or the claimability of the obligation on the part of others) is more select, it *is nonetheless valid*.

This distinction can be misleading in a number of respects. I do not think that reconsidering or reevaluating discourse ethics for its educational implications (or as we might put it now – to encourage the procedure to be more sensitive to educationally relevant interests) means that we should establish criteria that, depending on the situation, assign participants to the task of resolving either a “general” moral issue or an “educational” moral issue. This creates the image of procedural frameworks of justification acting as discursive traffic cops, telling participants which way to reason in order to get to the right answer to their question. One could imagine a procedure where certain reasons are screened out because they are deemed to be “irrelevant” to an educational debate or moral debate. But argumentation is a *general* competency *applied* to specific questions; rules of argument don’t change based on the content we argue over. Filtering out what could or could not be contributed to discourse undermines the justifiability of any agreement that resulted. Imagine, for example, settler teachers and Innu parents being told that they could not make arguments about the politics of colonialism, because these are not specifically “educational” arguments. Such censure would clearly undermine the validity of any moral agreement. One of the important implications of this point is that there appears to be no *a priori* conceptual distinction between a moral reason and an educational reason in moral-practical discourse. In

discourse, all good reasons are *epistemic*. It wouldn't make sense to say that some reasons cannot be offered up because they are not "educational" reasons. For example, reasons pertaining to the justification of the norm of development of mind may not accord with current socialization practices of an imagined traditional society that emphasizes practical skills. They may not yet be seen to be educational in any distinct sense. Regardless, in practical discourse such reasons may not only help support a generalizable interest, but these reasons may also turn out to be educationally relevant by virtue of the fact that such an interest is especially crucial for the protection of persons who have not yet had the opportunity to develop their mind. Insofar as members of a traditional society abided by the procedure and were engaged in the debate, they could in principle recognize the generalizable interest *and* its applicability to the ways in which their society socialized its young.

This is part of the rationale for a revision or expansion of discourse ethics. While participants may arrive at a rationally motivated agreement by adhering to Habermas' procedure, they may find that the best they can do is arrive at a joint acceptance of basic or general norms that tell them little or nothing about the moral worth of their *educational practices* in particular. These participants are left with general answers such as "everyone has an obligation to respect tradition" where the implications for educational policy are not altogether clear. Does this mean that we simply have an obligation to institute policies that include various traditions? On what grounds is the moral obligation to respect (and perhaps to promote) tradition also an obligatory educational aim?

In other words, what a revised procedure should do is to settle disputed moral convictions about *education*. And, in this respect, a generalizable concept of education would be based on publicly justified, discursively tested actions, policies and norms that are judged to be educationally relevant on the basis of their applicability to

educational themes. So while discourse ethics does not set out any substantive grounds of educational worth, a procedural framework of justification can include those epistemic conditions necessary for the discursive justification of actions, policies, and norms having moral worth *and* educational relevance. In contrast, the genus or class of moral agreement we would get from the traditional formulation of discourse ethics may offer little in terms of an understanding of the moral nature of education itself or the moral character of its aims and practices. From the point of view of participants in practical discourse, moral agreements simply regulate practical conflicts of a general type. They serve to keep education under the appropriate limits and ensure that different practices do not violate human dignity and respect for persons. What they cannot do is show how participants can arrive at a rationally motivated agreement on what aspects of an educational enterprise are morally obligatory in a positive sense.

Should a revised discourse ethics entail a discourse of a different order? No. If a procedure of justification is revised appropriately, participants in practical discourse adopt this procedure for *any* moral debate and arrive at universally valid moral norms just as they would if they followed the original version of the procedure. The only difference would be that the procedure would be more epistemically responsive to educational questions and it would be with respect to these issues that we may get different (or perhaps more specific) answers. The distinction between moral norms that are general and those that are distinctly educational might be helpful in formulating educationally just institutions because participants now have a greater understanding of what *educational* rights and duties we owe to all others and not simply what is morally permissible within certain abstract limits. In this sense, I am not arguing for a particular normative account of the concept of education. What we take education to be conceptually can vary widely across contexts. What would *transcend* these contexts are moral agreements about norms of socialization and human development that are

applicable to educational situations, however we may define them. Education is a theme *within* the moral domain; the moral domain has a stake in determining what is equally good for all persons among those many and diverse practices that are believed to be of educational worth.

Chapter Six: Justification, Application and Educationally Relevant Moral Norms

A concept of education defined by generalizable interests cannot refer to just *any* and *all* generalizable interests. I have been arguing that education is best understood as a moral concept. But just what aspects of morality are relevant to educational processes? This introduces the problem of determinativeness: how can we distinguish generalizable interests having educational worth from other generalizable interests? The question is in some ways a red-herring: it encourages us to assume a formal difference between generalizable interests having educational relevance and other generalizable interests, as if there were some distinct standard of justification for each. But we can distinguish between educational and general moral norms in other ways. The predicates ‘general’ and ‘specific’ need only refer to the *determinativeness* or scope of application of a norm, *not* its validity or justifiability. The precept “do not go through red traffic lights” is universally valid and applicable. All persons encountering situations involving red traffic lights ought heed them. Drivers and pedestrians alike have a common interest in following traffic lights. This is a very specific precept and more determinate than other valid precepts such as “do not intentionally misinform others”. But the specificity of a norm has no bearing on its validity:

The range in meaning of the terms used in a norm is irrelevant to the universalizability of this norm...As R.M. Hare has shown, there are two different levels on which one can proceed when analyzing the generality of a norm. At one level, we distinguish between general and specific norms and, at the other, between universal and singular norms. Only the first distinction

relates to the problem of the determinacy of norms...The semantic content of a norm can be, to varying degrees, situation-specific or not, depending on the level of detail employed by the terms used in the norm in describing possible situation features. The difference between a general and a specific norm is therefore only one of degree.

(Gunther, 1988, p. 16).

I have suggested that educationally relevant moral norms are norms of a certain degree and kind of determinateness. It is in this way that they can be distinguished from more general precepts and *not* through appeal to different standards of validity or justification. In this chapter I want to identify the conditions through which educationally relevant norms can represent such a sub-class or species of moral norms.

First I will explore the thesis that there are in fact no distinct generalizable interests intrinsic to educational processes (1). Here, educationally relevant interests are not relevant by virtue of the reasons supporting the common interest they represent (i.e. its justification) but due to the common interest's *appropriateness* to educational settings. I reject this view in favour of the idea that justifiable educational common interests are possible, and that it simply requires that discourse ethics be revised or clarified in order to express this possibility. I make my case by examining a prior example of an expansion or revision of discourse ethics as proffered in Klaus Gunther's work on application discourses (2). Gunther argues that the principle of universalization must incorporate a time and knowledge index as a way of acknowledging the fact that participants cannot have knowledge of all instances of a norm's application. I then show how a similar index must be incorporated in order to account for a participant's ability to participate in practical discourse (3). This insight can then be traced back to Habermas' rules of argumentation. On this account, argumentative presuppositions entail the further presupposition that participants must necessarily have the requisite

competencies or capacities required such that they can represent their own interests, as well as critically assess the interests of others (4). These expanded rules of argumentation are then incorporated into what I call a “developmentally” sensitive principle of universalization (5). Finally, I identify socialization norms as one example of the kind of generalizable interests most likely to ‘picked up’ through this expanded account of discourse ethics (6).

(1) On a Public Concept of Education as a Recontextualization of Generalizable Interests

If the scope of application of a norm does not refer to its validity, it remains possible that educationally relevant interests are not relevant by virtue of the reasons supporting the generalizable interest they represent (i.e. its justification) but *only* due to the common interest’s *appropriateness* to educational settings. This is an important possibility to consider. If this thesis were to be correct, it could be said that there are *no* generalizable interests intrinsic to educational processes. To put this differently, it would entail that generalizable interests relevant to educational settings are simply a matter of the *applicability* of valid general or basic moral norms to such settings. If this were the case the *justifiability* of a public conception of education would have already been addressed through Habermas’ principle of universalization. The concept of education would simply be founded on generalizable norms that are *prima facie* valid. What would remain is a project that sought to determine which valid norms are appropriate to educational contexts. Consider the following norm:

N1: It is wrong to physically or emotionally harm or hurt children in intending to make them learn more efficiently.

On the applicative interpretation, N1 is not properly speaking an educationally justifiable norm by virtue of the interest it represents. It is more properly understood as the result of the application of a *prima facie* valid norm to educational contexts, such as

N2:

N2: It is wrong to physically or emotionally harm or hurt persons in intending to facilitate one's own ends.

We can imagine a situation, for example, where a school is facing pressure to achieve better test results. One of the teachers threatens to strap a child in order to intimidate them into doing well on the latest round of tests. N2 is the norm appealed to, and N1 is an application of the norm where the relevant features of the situation are incorporated into the description of the norm. Note that a critical discussion of the validity of the norm need not ever take place because the validity of the norm is not in question.

Rather, the deliberation focuses on the extent to which N2 is relevant for and applicable to the specific situation in question. The teacher, for example, might agree that the interest represented by N2 is valid, but justifies her actions by claiming that in contexts such as the one she is working in the norm is not applicable because her actions (at least on her view) work to promote the long-term interests of her students. In her judgement, the interest that students have in learning trumps the interest in not being physically or emotionally harmed. In the example offered here, the transition from N2 to N1 involves a discourse of application rather than a discourse of justification. Gunther outlines this discourse as follows:

Application discourses connect a norm's validity claim with the particular context within which it is applied in a situation. By tying its application to the appropriate consideration of all the particular features of each newly emerging situation in space and time, these discourses "recontextualize" the norm which was cut off from its context for the purposes of testing its validity in the light of a common interest.

(Gunther, 1988, p. 44).

It should be noted that Habermas has adopted Gunther's differentiation of moral discourse into justificatory and applicative steps (1993a, p. 36-39; Gunther, 1988, p. 37-38). Gunther makes this distinction clearer by pointing out the two distinct aspects of impartiality served by a universalizing or generalizing procedure:

The requirement that the consequences and side effects which a general observance of a norm can be anticipated to have for the interests of each individual be acceptable to all operationalizes the universal-reciprocal sense of impartiality; while, complementary to this, the requirement that all features need to be considered in an individual application situation operationalizes the applicative sense. By combining both aspects with each other, we approach the full meaning of impartiality on diverse paths.

(Gunther, 1988, p. 38).

In the justificatory (i.e. universal-reciprocal) sense, we consider the effects of the general observance of the norm from the standpoint of all others and in all the potential situations we can imagine, hypothetical or otherwise; in the applicative sense, we investigate whether the common interest embodied by the proposed norm is relevant to the situation at hand. The distinction is a complex one and I go into this differentiation into greater detail below. However, I identify it here because it remains possible that a legitimate conception of education could simply be developed through a public

discourse aimed at recontextualizing more general prima facie valid norms *alone*. Here the question would simply be: *which* of our generalizable interests are applicable to educational processes? To put this in another way, educational disagreements (or to be more specific, moral disagreements about educational processes) do not require critical reflection on the *substance* of the interests served by educational processes; in fact, educational actions, policies or norms would not by themselves represent generalizable interests intrinsic to educational processes, rather, they would draw their authority from prima facie valid norms that are simply applicable to those processes. This returns us to a theme that I have raised and challenged repeatedly: the idea that the moral point of view is simply applied to educational actions, policies and norms and that educational reasons by themselves cannot also be moral reasons.

I'm not arguing that general moral rules don't figure in educational settings. Clearly, obligatory norms don't simply stop working on our conscience in educational contexts. Much public deliberation on schooling and much important work in the philosophy of education is an attempt to recontextualize moral concerns in the light of educational thinking. However, there is an interesting consequence if public disagreement about education is limited to agreements or public discussion about the application of generalizable interests alone. As I have already suggested, it closes us off to the possibility that there are generalizable interests pertaining specifically to educational processes or that certain educational processes can represent generalizable interests.

Yet it is not clear why the justification of educationally relevant common interests should be left to discourses of application alone. The justification of an interest is tied to the reasons underpinning that justification:

What is relevant to justification is only the norm itself, independent of its application in a particular situation. It is a question of whether it is in the

interest of all that everyone follow the rule. Whether a norm embodies the common interest of all does not depend on its application, but on the reasons we can advance as to why the norm ought to be observed as a rule by everyone.

(Gunther, 1998, p. 37).

If a norm serves to protect a common or generalizable interest, the role of application discourses is simply to determine if, given the particulars of a situation, that interest is “at play” so to speak. Recall N2:

It is wrong to physically or emotionally harm or hurt persons in intending to facilitate one’s own ends.

It is judged relevant to the schooling context because children, like adults, have an interest in not being harmed as a means to someone else’s end. And the features of the situation do seem to align with one individual harming others to achieve a chosen end. But none of the reasons underpinning *that* generalized interest are necessarily offered in reference to interests served by educational processes themselves. This would be an unsettling conclusion to have to make, as it would seem to suggest that education is not itself a moral practice.

On the contrary, I think we can make a case for how educational reasons can play a role in moral deliberation. As I have indicated in previous chapters, however, it is my contention that the procedural rules of moral justification, as formulated by Habermas, downplay or underemphasize the moral relevance of educational processes. I think this underemphasis is done at the risk of suppressing generalizable interests that are intrinsically educational – i.e. interests pertaining to the ways in which educational processes can be undertaken in ways equally good for all. A conception of education that is not open to such interests is, in my view, incomplete. In what follows, I will

identify the conditions under which the justification of generalizable interests specific to educational processes can be based on moral reasons. These conditions will be reflected in an expansion of the epistemic scope of the principle of universalization.

(2) The Sense of Appropriateness: An Earlier Expansion of Discourse Ethics

In making the case for a revised principle of universalization, I will be drawing from an earlier revision of the principle that Habermas has himself since adopted. In discussing Klaus Gunther's differentiation between discourses of application and discourses of justification, I have covered the basic terms under which the revision has been made. However, in what follows I will detail the consequences of this distinction for discourse ethics more specifically.

According to Habermas' discursive generalization test, only those moral norms are valid that can be accepted by all to the satisfaction of everyone's interests. This in part requires that I am able to put myself in the place of other persons: how might the proposed norm affect these persons? This refers to what was earlier referred to as the "universal-reciprocal" sense of impartiality. My assessment of the validity of a norm does not simply come down to how it affects my own interests. If this were the case, participants would become locked in an immovable conflict of interest because nobody is capable of reinterpreting their own interests in light of the effects of the pursuit of that interest on the interests of others. In other words, nobody could argumentatively "budge". As Gunther puts it: "This requirement states that *everyone* puts himself in the standpoint of the other person, that this be done *reciprocally*, and that all concerned judge *collectively* whether the norm corresponds to their common interests" (Gunther, 1988, p. 23). But this criterion can also be interpreted in the *applicative* sense: a

universalization principle must also relate to the impact the observance of a norm will have in specific situations. When I put myself in the shoes of another, this person may be in a different situation from myself. The observance of a norm affects individuals, but in different situations the observance of a norm can lead to different consequences and these consequences can have a differential impact on the interests of those individuals (p. 30). I may wish to be told the truth in most circumstances, but perhaps not when withholding the truth may be to my benefit (such as to prevent spoiling a surprise party). At the same time, valid norms must be applicable to more than the same situation to which the norm was justified if they are to be in any way generalizable. Otherwise generalization would be pointless. Justified norms would only be relevant to the specific situation in which the norm was originally proposed because no two situations are *exactly* the same.

Gunther uses the permissibility of lying to save an innocent life as a way of illustrating the tension between justification and application. The prohibition against lying could represent a generalizable interest. However, the consequences and side-effects of applying this norm to a situation in which lying will save an innocent life can result in the claim of another interest (the preservation of life) which in this situation is more appropriate. What results is a new norm: it is right not to lie, unless doing so is indispensably necessary for saving an innocent person. We can imagine that the norm against deceit grows more “refined” as relevantly different situations arise that require the accommodation of other common interests or other norms. So not only are norms tested for their acceptability as representing a common interest, it must also be appropriate to all situations to which it is applicable. A blanket prohibition against lying, it was discovered, is not appropriate to all situations to which it is applicable, which is why the norm must either be rejected or changed.

The criterion of appropriateness is incorporated into moral discourse in the following way:

Whether, in view of a situation, it is right (appropriate) to apply the norm would be a necessary component in the deliberation on whether the effects of generally observing a norm in every situation can be collectively accepted by everyone.

(Gunther, 1988, p. 33).

Gunther rightly points out that Habermas' construal of U is ambiguous on the issue of appropriateness. It obscures the extent to which the observance of a norm depends on those situations to which it is held appropriate having consequences acceptable to the individuals in those situations. Accordingly, Gunther proposes that a *complete* universalization principle would have to be stated in the form of what he calls a "strong version" of U:

A norm is valid and in every case appropriate if the consequences and side effects arising for the interests of each individual as a result of the norm's general observance in every particular situation can be accepted by everyone.

(Gunther, 1988, p. 33)

The "in every particular situation" clause is meant to express the notion that a valid norm must account for the applicative sense of moral impartiality – unless a norm is worthy of recognition in all possible situations to which the norm is appropriate, it fails the test. Reflection on what the principle calls for shows that as a *procedural* condition this is untenable, however. Not only would participants in discourse have to assess the interests of all persons affected in the various concrete and hypothetical situations through which we can examine the foreseeable consequences and side effects of the norms general observance (i.e. an assessment of the norm's legitimacy in the universal-reciprocal sense), we would also have to anticipate and assess the impact of the norm in *all possible situations* to which the norm could be applied. But on this account *no*

proposed norm could secure agreement because we cannot foresee all possible situations. This is clearly the case in the lying example. A blanket prohibition against lying seems straightforwardly right and just until we examine the situation in which lying will save an innocent life. For those deliberating on the validity of the lying prohibition, it would be unreasonable to expect them to have anticipated such a situation if they have never encountered any such situation before. In hindsight such a situation seems obvious – there will be times people must lie to save innocent lives. But this only appears obvious after a moral learning process where we have gained further insight into the terms on which such an interest is generalizable. It remains equally possible that there are situations that we have yet to encounter in the future, and these situations will require a further rearticulation of the norm's validity.¹¹⁰

Gunther claims that his strong version of the U principle makes explicit the idealizing assumption that participants in discourse must anticipate all the situations to which the norm is applicable (1988, p. 34). It combines the justificatory and applicative sense of moral impartiality by presupposing our deliberation *can* and *must* include all the possible cases of the norm's application. But even through this may be a valid formal criterion, actually meeting this criterion is clearly an impossibility.

One way of getting around this problem is by omitting references to specific situations in justification discourses. Here justification would only involve deliberation on what is a common interest in the abstract sense. This approach would allow us to

¹¹⁰ It is for such reasons that some moral philosophers argue that we must understand moral reasoning as a learning process where one comes to understand morality as a horizontal, case-by-case process. See, for example, Alistair MacIntyre, (1984). For MacIntyre, a norm cannot exist apart from its applications. We learn about moral relations with others in our interactions with them. I do not think that this insight is contrary to discourse ethics. After all, the construction of a generalizable interest is ongoing as we encounter new situations and interests to which we were previously unaware. However, the fact that norms are generated from real contexts of interaction does not mean that such norms cannot generalize across cases, nor does it mean that norms cannot be revised in light of reflection on new situations. Nor does this mean that impartiality does not play a role in the application of norms to concrete situations: "Knowledge of valid norms does not extend to knowing how one ought to decide in a *particular* situation...An impartial judge must assess which of the competing norms of action – whose validity has been established in advance – is most appropriate to a given concrete case once all of the relevant features of the given constellation of circumstances have been accorded due weight in the situational description" (Habermas, 1993a, p. 128-130).

rescind the idealizing assumption that we can anticipate all possible application situations, rendering the principle of universalization practically viable for participants. Gunther rejects this approach. Situations *must* figure into the justification of a norm. As he rightly notes, the lying example shows that we can imagine all sorts of situations that can spur reflection on the connections between consequences and interests in the justification of a norm (p. 34). The problem is simply that we cannot imagine *all* situations. However, situations we have experienced and can anticipate in moral discourse can be included on epistemic grounds. The distinction made between justification and application is not based on a line drawn between ‘justification’ reasons and ‘application’ reasons but on, as Gunther puts it, the “subjective side” of the U principle: “[U] is dependent on the historical level of our experience and our knowledge. We can suppose only those application situations which we can imagine at the present point in time” (p. 34). The ‘subjective’ limitation applies to educationally relevant situations as well.

Consider a hypothetical N3:

N3: It is right that all persons have an equal opportunity to maximize their talents.

While hypothetical, I don’t think that such a norm is implausible. It figures prominently, for example, in the application of Rawlsian political philosophy to debates about equal educational opportunity (see, for example, Brighouse, 2000; Mason, 2006). Recent developments in genetic engineering however, make it increasingly likely that the validity of the norm will be challenged in ways that were largely unanticipated not too long ago. Consider the following:

N4: It is right that all persons have an equal opportunity to have their genome modified to maximize their talents.¹¹¹

Does equal opportunity extend to genetic modification? Here, the ability to manipulate the genetic structure of unborn persons represents an unanticipated situation that is only beginning to become salient in considering the consequences of the general observance of N3. N4 is by no means uncontested – it has serious implications for a person’s autonomy, for example. N3 may well be inappropriate for the kind of situation that N4 represents. For example, the right *not* to have our genetic structure modified without our consent may reflect an unforeseen common interest.

Consequently, Gunther argues given that a) our interests can change in unanticipated ways and that b) we cannot anticipate all application situations, the principle of universalization must include a time and knowledge index. This serves as the basis of his proposed “weak version” of U:

A norm is valid if the consequences and side effects arising for the interests of each individual as a result of this norm’s general observance under unchanging circumstances can be accepted by everyone.

(1988, p. 35).

The qualification of “unchanging circumstances” serves as a kind of “escape clause”, indicating that to say a norm is justified is not to mean that the norm cannot be revised (or replaced) in light of new situations which we were unaware of in a prior instance of practical discourse. Habermas himself has come to endorse this revision of U:

The *rebus sic stantibus* clause here expresses the qualification that the validity

¹¹¹ We can debate the meaning of the word ‘talent’ in this statement. However, arguing that the meaning of the word talent is different in N4 presupposes that there are reasons for making the distinction that bear on the interests at play. The word ‘talent’ may be connected to the idea of the free exercise of one’s will, which preclude its use in N4.

claim of a norm that has withstood the universalization test bears a “time and knowledge index.” This reservation ensures that justificatory discourses cannot completely exhaust the notion of impartiality but can only specify its meaning in relation to universal and reciprocal worthiness of recognition. Prima facie valid norms remain open to further interpretation in the light of particular constellations of unforeseeable situations of application.

(1993a, p. 37).

Habermas incorporates this qualification by referring to the *foreseeable* consequences and side effects of the general observance of a norm (1998b, p. 42; Gunther, 1988, p. 28).

(3) Making a Developmental Index Explicit

The previous section served to show that while a proceduralized principle of universalization can be stated in a way that serves to give a full account of the meaning of moral impartiality, different aspects of the principle must be differentiated, emphasized and specified in order to account for the limitations of participants. Deliberators are not like Hare’s (1981) archangels who know all and see all, nor are they like Rawls’ reasonable deliberators equipped only with ‘basic facts’. Rather, they are fallible beings subject to historical, epistemic and material constraints. Accordingly, the idealizing assumptions of U must be counterbalanced with qualifications that take into account the relationship between human limitations and the fallibility of generalization tests. The distinction between justification and application, for example, is a consequence of the idealizing assumption that we can foresee *all* future situations to which a norm recognized as valid will be applied. Habermas, for example, rightly

recognizes any formulation of the principle must be made in order to take account of human limitations: “The principle of universalization must be formulated in such a way that it does not impose impossible demands” (1993a, p. 37).

Accordingly, William Rehg (2003) identifies another idealizing assumption that, in my view, calls for an indexing of the principle of universalization having educational relevance.¹¹² As Rehg puts it, “[t]he major obstacle to extending discourse ethics beyond metaethical analysis and institutionally structured conflict-resolutions lies in its highly demanding, intersubjective conception of reasonableness...Although reasonableness is primarily defined in terms of the capacity for rational discourse, it includes more than bare cognitive capacities...[A] *practically viable* discourse ethics must show that such reasonableness lies within the reach of human beings” (p. 93). I interpret Rehg’s claim as an acknowledgement of an idealizing assumption implicit in U that must be contended with in order for discourse ethics to support a plausible moral principle: namely, that inclusion into practical discourse presupposes the *acquisition* of competencies that we must be socialized into. Yet, as Joel Anderson rightly argues, Habermas has said little about the competences required of participants (2001, p. 193)

Rehg’s analysis is centered on discourse ethics as a kind of *practice* as opposed to a theory of moral justification. He claims that if we recognize the theory’s plausibility, developing this theory as something that we can actually *do* presupposes “a specific kind and level of moral maturity” (p. 93). Rehg identifies two such presuppositions. The first presupposition is that participants must possess a certain level of moral vocabulary, as well as a “stock of dispositions, feelings and perceptions that give substance to one’s moral language” (p. 93). This stock includes the empathy and

¹¹² In fairness to Rehg, he claims that discourse ethics has implications for human development *despite* its own strong idealization of moral deliberation. He sees such idealizations as useful standards for individuals with limited time and knowledge seeking moral agreement (p. 91 - 96). His interest is in how, given the presuppositions of moral discourse, we should structure our institutions to foster moral agreement, not on how discourse ethics should be revised to reflect such demanding idealizations.

the ability to adopt the perspective of others. Interestingly, Rehg claims that without such a level of moral maturity, participants will not even be able to recognize a need for moral judgement when it arises.¹¹³ The second presupposition concerns openness to dialogue and a capacity to participate in rational deliberation about moral problems (p. 94).

Rehg claims that each presupposition can act as a normative standard by which we can assess moral maturity. The first normative standard relates to the transition to adulthood: “if one is to engage in cooperative moral dialogue, one must have negotiated the transition to adulthood in a way that integrates solidarity and autonomy. One must link one’s capacity to think for oneself (autonomy) in a way that binds one to others (solidarity): thus, one must be willing to adjust one’s thinking in response to others’ thoughts and concerns” (p. 93). While the relationship between autonomy and solidarity has important implications for educationally relevant common interests, I will focus on these implications in the following chapter. However, I will focus on Rehg’s second normative standard for the remainder of this chapter. It is stated as follows:

[O]ne must overcome the tendency to dismiss a point of view or argument simply because it fails to accord with the assumptions and values built into one’s own worldview. If necessary, one must be able to examine one’s native assumptions and beliefs critically, in response to outsiders’ objections...one must be ready to examine one’s moral expectations of others, insofar as those expectations lack the power to convince people outside one’s group. In other words, one must learn to distinguish moral norms, which can be justified as morally binding across different traditions and cultures, from the values and beliefs that can be justified only within a particular culture and worldview.

(2003, p. 94).

¹¹³ This aspect of moral maturity is similar to Barbara Herman’s ‘rules of moral salience’ (1996).

The two normative standards together comprise what Rehg terms “dialogical autonomy” (p. 95). Rehg asks us to suppose that participants can and do achieve such a level of moral maturity. Once achieved, how can one exercise this character in a way that can guide those involved to legitimate moral decisions? The question is an important one within the context of Rehg’s project because he is primarily concerned with the way in which a cogent account of discourse ethics can be authentically applied to actual circumstances.¹¹⁴ However, in the process he passes over an important idealizing assumption that he himself identifies: “a concretely feasible discourse ethics presupposes that we can achieve [dialogical autonomy], an ability to guide our moral judgements by the reasons that emerge from a cooperative dialogue with others” (95).

By “concretely feasible”, Rehg has in mind steps we would need to take in order to apply discourse ethics in actual circumstances once the cogency of the metaethical account has been recognized. However, focusing on the idealizing presuppositions upon which Rehg bases his normative standards can, in my view, render more explicitly educationally relevant and presently underemphasized themes implicit in the principle of universalization.

Rehg states that to have dialogical autonomy is to be able to “guide our moral responses by the reasons that emerge from a cooperative dialogue with others” (p. 95).¹¹⁵ In other words, participants must be responsive to dialogical reasons: reasons

¹¹⁴ Rehg is well aware that accounts of ethical dialogue can easily be misunderstood and adopted for reasons that have little if nothing to do with reaching reasoned agreement. School administrators, for example, can use “ethical” dialogue and consultation as a means to legitimating decisions that they have no intention of changing regardless of the objections. See in particular his comments on p. 94. For a discussion of other values served by ethical dialogue, see Kenneth Stike and Jonas Solitis (2004).

¹¹⁵ Charles Larmore describes this faculty as the ability to be responsive to reasons, or as he states it, “the capacity to recognize and heed the independent validity of reasons” (2008, p. 44-44). I think this is a good way of describing the capacity at play. The emphasis on being responsive coheres nicely with the fact that moral deliberation requires that we attend to reasons that are not always our own, at least initially. This being said, Larmore’s metaethical position is largely indebted to McDowell (see especially Chapter 3 and 4). He therefore concludes that reasons comprise an “intrinsically normative order of reality” (p. 129). While I agree that adopting the moral point of view presupposes initiation into something akin to the “space of reasons”, I do not accept Larmore’s (and McDowell’s) platonism. As I have argued in earlier chapters, the “independent validity” of moral reasons must first be

given by oneself and by others in moral discourse. Cristina Lafont's (2004) overview of the Kantian constructivism of Rawls, Habermas and Scanlon identifies similar standards of moral maturity (which she terms "reasonableness"): "[this] standard is not supposed to be in principle beyond the reach of actual individuals [and involves] two general components: a genuinely cognitive motivation (something like that capacity of "following the unforced force of the better argument", to put it in Habermas' terms) and a genuinely moral motivation (the capacity of adopting an impartial point of view in giving equal consideration to the interests of all). These conditions may be hard to achieve and even harder to assess, if they were to obtain at all. In this sense they are properly called "ideal", but they are certainly not supposed to be "ideal" in the sense of being in principle impossible to meet by actual human beings" (2004, p. 41). What I think Lafont is identifying here is the same *idealization* that Rehg is working with: an epistemic standard that must be accounted for in any attempt to proceduralize moral thinking.

While the principle of universalization includes the presupposition that we can anticipate all the consequences and side effects of a norm's application in *all* the situations to which it is appropriate, it also includes the presupposition that the norm is worthy of recognition by participants that are perfectly reasonable or cognitively infallible – that they are so formed as to always be infallibly responsive to and moved by good reasons, always to the right extent and in the right way. In order to achieve discursive validity, not only do we need to be able to consult with all persons affected by the norm in all situations, but all those persons involved in the discourse must have the capacity to be receptive to the reasons others give regarding their interests *as well*

ascertained and assessed through open discourse before they guide action. Such reasons do not "exist" outside of the dialogue, waiting to be discovered. If this were the case, we would not need inclusive dialogue but rather people that are very good at 'finding' moral reasons. As should be clear at this point, the position I am proffering is typically characterized as moral antirealism or Kantian constructivism.

as a receptivity to the reasons that they themselves may have due to their *own* interests (i.e. one must also be responsive to one's own reasons as well as others).¹¹⁶ This is by no means a "modest" idealization. If moral norms are to be valid in the sense stipulated by the universalization principle, *all* the relevant reasons pertaining to the justification of the norm must be included in the discourse. This is clear in Gunther's identification of the role of application situations in justification discourses: in the strong version of U, *all* possible situations must be examined because each situation may give rise to reasons that suggest a further specification, modification or even rejection of that norm. The precept that it is right to never lie seems valid until we start applying it to more complex situations.

Rather than reject the ideal outright, Lafont entertains another option – we could make high demands of what counts as the level of reasonableness required for participation in moral deliberation such that the participants have perfect knowledge. She rightly notes that even if this option is possible it would render the role of moral agreement superfluous because "moral rightness would no longer be constituted merely by the agreement of reasonable people, but by the agreement of infallible people (i.e. of those who have the right reasons)" (2004, p. 43). If those people had the right reasons to start with, they would not need to deliberate.

I think that Lafont is mostly right here, but in the process of rejecting infallibility she passes over an important dimension of the idealization. Lafont equates perfect knowledge with infallibility. In one sense this makes sense – having perfect

¹¹⁶ Joel Anderson, for example, identifies what he terms the competency of need-interpretation as an unrecognized presupposition of moral argument: "If participants are *unable* to articulate their concerns, practical discourse will not be fully rational, any more than if they were being excluded or interrupted... And these conditions include not only the presence of interfering factors but also the absence of sustaining conditions, such as full information, adequate time, and the ability to perceive and express one's needs. And to the extent to which participants in practical discourse lack this last-mentioned ability – what I am calling "need-interpretive competence" – the process will be epistemically deficient... As a hypothesis, however, I would propose characterizing full need-interpretive competence as the ability to provide interpretations of one's needs, desires, interests, feelings, and concerns that are complete, non-illusory, articulate, and intelligible." (2001, p. 196).

knowledge could mean that I am right about everything that I believe to be true and that I believe everything that *is* true for the right reasons. But this would be a very artificial conception of the person at play. Moral deliberators are not simply computers that have had all the relevant moral facts uploaded to them. Moral reasons develop through a reflective process on needs and reciprocal-role taking – the very competencies identified by Rehg and Lafont (and to a lesser extent, Anderson). They are not “independent facts” situated outside of the moral point of view.

Gunther’s knowledge index does not extend to these idealized competencies. For example, even if I knew all the situations to which a norm may be applied, and even if I knew all the consequences arising from the norm’s general observance, it does not follow that I would therefore be able to assess which of these consequences and which of these situations I should introduce into discourse as relevant to the deliberation. Further, it does not follow that others would therefore be able to adequately assess the evidence that I present in terms of its effects on their *own* interests. Lafont claims that infallible persons would have the “right reasons”. Unless we adopt the artificial conception of the person referred to above, this presupposes that they have an ability to *get* to the right reasons or to the reasons that properly reflect the interest they have. After all, reasonable people can be wrong about their interests. Lafont herself notes this when she points out the many historical examples identified by feminist literature, where reasonable people reach “reasonable” agreements that are unjust and discriminatory (p. 43).

I am not adopting the viewpoint that Lafont holds, that generalizable interests are “out there” waiting to be discovered, hidden from us until we ascertain the reasons that will point us to the right agreement.¹¹⁷ Lafont’s aim is to bring Kantian

¹¹⁷ “Given that our moral judgements are about a social circumstance, *whose obtaining is logically independent of any agreement*, our moral judgements may be mistaken in difficult cases as much as an other cognitive judgement may.” (2004, p. 45, my emphasis).

constructivism closer to moral realism as a way of addressing what she sees as the limitations of the moral antirealism or constructivism that underpins it. This is not a position that I wish to adopt. What I do recognize is that we can be mistaken about our interests or the interests of others. This in turn means that we can be mistaken about their or our reasons, which can lead us to be mistaken about the generalizable interest. If we could never be mistaken about our interests, deliberation would be unnecessary. Agreements *constitute* moral rightness, but factual agreements can be fallible. This fallibility is not only due to the fact that we do not have all the knowledge of all consequences or because we cannot anticipate all circumstances, but also because we are often limited in our ability to place ourselves in the shoes of other people (perhaps because they are so different from us) and we can be mistaken in what we find convincing as the better argument (perhaps because of our refusal to examine the beliefs we hold). The epistemic conditions of moral agreement include our own cognitive capacities.

Despite these limits, Habermas' principle of universalization presupposes ideal reasonableness. Namely, that, for the conditions of discursive validity to be met, participants must be transparent to themselves in terms of their needs and interests¹¹⁸, be consistently receptive to and moved by the reasons that they and others have, and always be able to recognize the rational force of the better argument (or as I will argue below, the *best* possible argument). Anything less undermines the generalizability of the norm. This is certainly asking for a great deal. Both Lafont and Rehg are right in their reservations about the extent to which such capacities can be achieved. In its strong form, the principle of universalization places unrealistic demands on participant's deliberative capacities.

¹¹⁸ As Anderson notes, we can misinterpret our own interests: "[Participants] must filter out the needs, desires, interests, feelings, and concerns that are based in *illusions*, whether cases of outright (self-)deception or the more subtle cases in which one mistakes low-priority whims and urges for the needs and values that really matter to one" (2001, p. 197).

To say a norm is valid under the principle of universalization is to say that: i) the norm can be accepted by all those affected as embodying a common interest and ii) the norm is appropriate for every individual situation to which it is applied. To this I would add iii) that the norm would be accepted by perfectly reasonable individuals. On this view, discourse ethics is unrealistic when it is applied strictly in its strong form. This is because the principle of universalization presupposes idealizing conditions of knowledge (all relevant facts) and history (all past and future applications situations), as well as competencies (perfect reasonableness, or absolute receptivity to reasons).¹¹⁹ The competency idealization should *not* be interpreted as a criterion of “who counts” in ethical discourse. It is a criterion of validity. If it were a criterion of inclusion, it would contradict the epistemic requirement of inclusivity by setting terms on which some persons may articulate their interests and some may not. Such an interpretation would certainly legitimate concerns that discourse primarily works to reinforce asymmetrical power-relations.¹²⁰ The competency criterion is properly understood as epistemic. It is not a standard of moral or political inclusion.¹²¹ Moral reasons are not independent from persons involved in the discourse – persons in reflection on their needs and interests produce them. Consequently, the ability to clearly articulate and assess the reasons that others may have is an epistemic condition of discursive validity. The competency criterion expresses the idea that perfectly reasonable persons *would* arrive at an agreement on a proposed norm if the proposed norm were valid. They are able to do so because they have the capacity to ensure that *all* the relevant moral reasons are made explicit and recognized in discourse such that all other things being equal, the

¹¹⁹ Note that the use of the term, ‘reasonableness’ in this context involves an appropriation of competencies necessary for the consideration of interests of others. In this respect, reasonableness is different from ‘rational’ in the sense of an ability to will empirical or contingent ends. As Rawls rightly notes, the distinction between ‘reasonable’ and ‘rational’ in this sense is attributable to Kant’s distinction between categorical and hypothetical imperatives (1995 p. 48-49ff).

¹²⁰ For more on the tensions between idealizations, power and discourse, see Kelly (1994).

¹²¹ The distinction between epistemic and moral inclusion is clearly articulated (and challenged) by Harvey Siegel (1996).

rational force of an agreement on the better argument is also the *best possible* argument. But this idealization does not mean that *only* perfectly reasonable persons can participate in discourse, rather, the participants must work to attain a level of knowledge and understanding about a norm's validity that only persons who are epistemically infallible *could* attain. In other words, participants must become as receptive to reasons as they can, given their ability.

The competency condition is an idealizing standard, not an educational, moral or political judgement about participants (though we may have good reasons for judging that people ought to strive to attain such a standard and an equal opportunity to achieve it, this is not a judgement entailed by the competency condition). Just as the principle of universalization presupposes that we are able to anticipate all those situations to which a valid norm is to be applied, it also presupposes that all affected are able to produce those reasons that pertain to their interests. Once the competency condition is taken into account, a strong version of U should read as follows:

A norm is valid and in every case appropriate if the consequences and side effects arising from the interests of each infallibly reasonable individual as a result of this norm's general observance in every particular situation can be accepted by everyone.

This stipulation clearly places unreasonable demands on actual participants. But it does not mean that the principle needs to be rejected altogether. Only the strong version need be rejected. Depending on the social conditions or level of education in a particular society at a particular time, our capacity to participate in discourse can change.

Different interests that once seemed easily reconciled, or hard cases that do not seem to admit of an answer can require revisiting as individuals learn to become more receptive to reasons. We can be socialized such that we can be more or less honest with ourselves regarding our own interests and needs. Communities can become more self-aware

regarding their own interests as the general level of education improves. But these factors by no means overturn the argumentative rights of participation. As Gunther rightly states, “the cognitive problem that no one affected can anticipate...the development of his interests does not diminish his right to bring forward those disadvantages or advantages for his interests which he can foresee” (1988, p. 35). Just as the principle of universalization must be configured in order to take into account the time and knowledge index that must accompany any justified norm, it must also be configured in order to take into account the competency index that must also be there. Participants need to anticipate all the situations they can and they must present all the evidence they can find. But this also means that they must also be as receptive to reasons as they can. When we say that a norm is justified, we mean that the norm is valid on the basis of the best argument possible given human limitations. This can be represented in terms of a weak version of U:

A norm is valid if the consequences and side effects arising for the interests of each individual as a result of the norm’s general observance under unchanging circumstances and under an unchanging level of human cognitive development can be accepted by everyone.

This version does not rule out the possibility of individuals coming to be more receptive to reasons which they formerly were not receptive to, or sensitive to consequences for themselves which they could have become aware, but simply lacked the reflective capacities to achieve. On the strong version of the universalization principle, we cannot allow for such surprises, because to say a norm is valid under this principle is to say that the norm is one that would be generated by infallible deliberators. If the norm is recognized under conditions approximating infallibility the norm cannot be changed because there should be no need to. On its weak formulation, we can recognize that even if the situation has not changed significantly and no new

information has been brought to the deliberative table, a norm can be successfully overturned or revised because of a greater receptivity to reasons or a general improvement of the cognitive capacities of the community.

(4) Human Development and Rules of Argumentation

The “unchanging level of human development” clause expresses the qualification that the validity claim of a norm that has withstood the universalization test cannot be “purely” impartial but is understood in terms of universal and reciprocal worthiness of recognition by imperfectly reasonable persons. This qualification is on par with the time and knowledge index established by Gunther. This “capacity” qualification has implications for Habermas’ presuppositions of argumentation that are relevant to the principle of universalization. Consider the rules of argumentation as stated by Habermas:

- (i) that nobody who could make a relevant contribution may be excluded.
- (ii) that all participants are granted an equal opportunity to make contributions.
- (iii) that the participants must mean what they say.
- (iv) that communication must be freed from external and internal coercion so that the “yes” and “no” stances that participants adopt on criticizable validity claims are motivated by the rational force of the better reasons.

(1998b, p.44)

It is clear that the time and knowledge idealizations identified by Gunther can be traced back to these communicative presuppositions. Consider the rule that individuals must have an equal opportunity to make contributions. Part of the meaning of a norm that has passed the generalization test is that everyone has had an equal chance to present

reasons for or against the normative expectation represented by that norm. However, it is clear that there are future individuals who will be affected by the norm's general observance but were not given a chance to participate even if we would like them to. The moral justification of environmental policies having a dramatic impact on future generations is a good example of this. This is why Gunther rightly ascribes a time index to the norm's meaning. It is unrealistic to expect *all* persons to contribute to the norm in this direct sense. However, we are required to put ourselves in place of future generations and examine, to the best of our ability, the foreseeable side-effects and consequences of that policy's general observance. The fact that individuals are unable to participate in a literal sense does not give us leave to ignore their interests. In order for impartiality to take on a real *universal*-reciprocal sense, we must also put ourselves in the position of imagined others. Additionally, the unavoidable presupposition of equal opportunity means that any future individuals can challenge the norm's validity. To argue otherwise is to make a performative contradiction: to give reasons defending the judgement that future participants not be given an equal opportunity to participate, one is making a contribution to moral discourse on the presumption of one's own participation. Accordingly, while the speaker has the epistemic right to participate in argumentation, reasons that directly contradict the epistemic rights of others can never be accepted as a good reason in moral deliberation.

The time and knowledge idealizations must hold in argumentation, even if this means that the authority of justified norms must be conditional and open to revision. However, this also holds true for the competency idealization, even though this idealization is, in my view, not made quite so clear. Consider the first communicative presupposition: that nobody who could make a relevant contribution may be excluded. Part of the meaning of a norm that has passed the generalization test is that everyone is included in the giving of reasons for or against the common interest represented by that

norm. However, as is clear with the case of very young children for example, not all persons have an equal capacity to participate in rational discourse. It is unrealistic to expect *all* persons to participate in the discursive redemption of a norm in this sense, but the presupposition of inclusion means that these persons should be able to develop the capacities necessary for this inclusion. Because justified norms represent common interests, every person's disadvantages and advantages with respect to a proposed norm are relevant to the justification of that norm. Therefore, to give reasons supporting the normative proposition the foreseeable side effects and consequences of which would lead others not to be given an opportunity to develop cognitive capacities for public reasoning is also to be engaged in a performative contradiction. Consider the following normative statement:

N5: It is right to suppress the development of the cognitive capacities necessary for participation in public discourse or practical discourse generally.

Anyone who defends the claim N5 in a moral deliberation is defending a claim that would not be possible if one were not to have received the right degree of socialization necessary for participation in such a deliberation. Accordingly, we can conclude that participation in practical discourse presupposes that oneself and others have the capacity to participate in that practical discourse. The presupposition is clearly a counterfactual – we argue as *if* all participants (including ourselves) are reasonable in the sense that we expect the rational force of reasons alone to be decisive in the vindication of a claim, even though this may not be the case under the actual conditions under which we argue. Nonetheless, the presupposition is an operative one – without it, argumentation would not be at all possible. Just as we must expect people to mean what they say, we expect people to be *able* to be responsive to reasons. Therefore, on its

more rigorous interpretation, the argumentative right of inclusion can be restated as follows:

i) that nobody who could make a relevant contribution may be excluded and that nobody should be prevented from developing the capacities necessary for making a relevant contribution.

The restatement does not introduce any new normative content. The precept that others not be excluded remains in place. However, the idealizations articulated as pragmatic presuppositions of discourse *include* idealizations about a person's *ability* to participate in practical reasoning. In restating them, only the scope of these presuppositions is being extended. We can do this for the other presuppositions as well. For example, rule two states that:

ii) all participants are granted an equal opportunity to make contributions.

It can be restated that:

ii) all participants are granted an equal opportunity to make contributions and an equal opportunity to develop the capacities necessary for making such contributions.

The restatement is a legitimate one because we can see that the restated presupposition is operative in argumentation. For example, in legal proceedings we are often critical of the fact that one side may win the case, not because that side was advocating for a position that represented the better argument, but only because that side had access to resources that allowed for a better argument to be made. For example, that side may

have had more skilled lawyers. The opposing side may have had the *potential* to articulate the better argument but was unable to do so. In fact, given the evidence at hand, they should have made the better argument. Because the aim of legal argumentation is to arrive at an impartial decision, we express disappointment at the fact that the strongest argument possible was not made. The example can apply to moral argumentation as well.

While participants in practical discourse are to be convinced by the force of the better argument alone, it is clear that the better argument might not be the *best* argument, given human limitations of reasonableness and all other things being equal. The better argument should not arise through default, but through deliberations with participants that can equally represent their position. The fact that some people are better at recognizing and articulating their interests should not be part of the meaning of a norm claimed to be valid for all persons.

(5) Implications for a Generalizable Concept of Education

On the procedural model of moral justification, justified norms represent unforced agreement between participants in public discourse where the agreement is what makes the norm just and fair. However, the shared reasons underlying justified norms will differ depending on the common interest the norm represents. By restating the pragmatic presuppositions of discourse, reasons pertaining to our own interests regarding human development can become more salient to participants. The presuppositions *by themselves* are not reasons of this sort. Argumentative presuppositions do not stipulate what our common interests in educational processes

are. However, they can set out clear limits on what kind of arguments *could* be pursued in the development of such interests. So even if argumentative presuppositions cannot determine how these interests take shape substantively, it seems clear that reasons supporting actions, policies and norms that have the consequence of undermining developing person's practical reasoning could not be generally convincing because they are violations of the very epistemic rules by which common interests are justified. The capacity or developmental aspect of inclusion must always remain explicit because otherwise such reasons are less likely to be identified as a violation and mistakenly used in the justification of a common interest.

Taken together, these rules can inform public deliberation on what common interests are seen as intrinsic to educational processes. What we can draw from them is that the common interests we have cannot preclude the developing interests and perspectives of those who cannot yet participate in public discourse. This aspect of argumentative presuppositions must be accounted for in the derivation of U. I therefore propose the following developmentally sensitive principle of universalization (U^D):

A norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientation of each individual could be jointly accepted by all concerned without external or internal (including developmental) coercion.

Habermas usually refers to coercion in the internal or external sense, where agreement is secured through intimidation or other threats. But the developmental index reflects the fact that participants could be coerced into agreeing to a proposed norm through other means. For example, developing persons could be socialized in ways that make their assent easier to secure later in life (though indoctrination or an education bereft of critical thinking, for example). Or they could be socialized in ways that make

them insensitive to or ignorant of their own interests (by consistently treating them with a lack of respect).

Both examples show that argumentative rights have the epistemic force of enabling conditions for the justification of moral claims and that these rights *include* that capacity to participate in the agreement on the common interests reflected in such claims. Argumentative rights are rules of argumentation.¹²² But as we have seen in Chapter Three, they do not themselves represent moral norms of action. The consideration of interests is an epistemic rule, not a moral rule. The absence of coercion, for example, refers to the process of argumentation, not to interpersonal relations outside of this process (1998b, p. 45). It is true that the rights embodied in the restated presuppositions i and ii have implications for the practice of argumentation that appear to be somewhat thin, but they nonetheless exist. For example, we can use rhetoric with the purpose of encouraging people to think that their own interests and self worth are not relevant. This is clearly a violation of epistemic rights. However, making the connection between coercion and education requires a closer look at what developmental coercion might mean.

(6) Socialization as a Subject of Common Interest

According to discourse ethics, when we engage in public reasoning with others we each recognize one another as unique individuals who have equal say in how we live together. According to Habermas, “in this way the necessary presuppositions of communicative action constitute an infrastructure of possible communication constructed around a moral core – the idea of unforced intersubjectivity” (1993a, p.

¹²² “It would be easy to misunderstand discourse ethics’ ‘freedom from coercion’ requirement as a moral prohibition against coercion. But this is actually an epistemic point about what conditions stand in the way of a fully rational justificatory procedure. And these conditions include not only the presence of interfering factors but also the absence of sustaining conditions, such as full information, adequate time, and the ability to perceive and express one’s needs” (Anderson, 2001, p. 196).

131). We can extend this idea to educational processes themselves: the way in which we are socialized and become persons, and the way in which we come to acquire our individual interests is itself a topic of public justification. As the analysis of argumentative presuppositions themselves shows, such decisions cannot really be made “for us” in the sense that mature adults have the right to decide what is in the common interest on the behalf of all others. The case of justifying environmental policies on moral grounds, for example, shows that we must evaluate the impact of the decision from the perspective of those that are not yet in a position to offer that perspective and for whom that perspective may be formative at best. The universalization principle requires that all persons have represented their interests in discourse through a process of universal-reciprocal role taking. This means that participants in discourse must try to determine what would be in the common interest for any and all persons involved in a process of socialization and human development, *not* what is strictly in the interest of adults by virtue of the general observance of norms of socialization. When we try to interpret what developing persons are owed simply by egoistically projecting our own interests onto them, we are engaged in the kind of developmental coercion (or to put this in more Habermasian language, forced intersubjectivity) I am referring to above. When we force people to adopt our interests and undermine their own cognitive capacities as we deliberate on moral issues, we coerce in an epistemic sense.

When we combine the insight that argumentative rights and duties extend to one’s capacity for argumentation with the insight that role-taking includes the perspectives of future participants, the relevance of developmental coercion to moral generalization becomes explicit. More specifically, developmental coercion occurs when, in our deliberations about norms of socialization (the common interests we have in how we develop into persons) we fail to engage in the kind of universal-reciprocal role-taking required to get the best understanding we can of the interests of persons

who, because they are only in the process of being initiated into practical reason, may not have the cognitive capacities to represent their interests. Without engaging in such role-taking our norms risk being a mere imposition of the interests of more argumentatively capable stakeholders. On this view, such norms could not pass the discursive generalization test I outline above. Making the case for developmental coercion in more detail calls for a closer look on the relationship between socialization, the formation of generalizable interests and reciprocal role-taking. This will serve as the focus of my next chapter.

Chapter Seven: Self and Socialization

To claim that a moral norm is valid is to mean that the general observance of that norm is equally good for all persons. However, because a plausible principle of universalization proceduralizes justification under discursive conditions that can never be entirely ideal, a valid norm must have a time, knowledge and capacity index associated with it. Each index reflects counterfactual presuppositions of rational discourse that can never be *perfectly* fulfilled. Norms that pass the universalization test represent the *better* of all arguments made by participants, not the *best* of all possible arguments. The fallibility of moral agreement means such moral agreements must remain open to new information and insights. The presumption of reasonableness is one such idealization. For example, the capacity index reflects the counterfactual presupposition that only those participants that are infallibly reasonable could arrive at a norm that is valid and applicable *for all times and all possible situations*. We can infer this because even if participants knew all possible application situations and were apprised of all facts, only on the presumption of infallible reasonableness could participants put such information to perfect “use”, so to speak. Accordingly, norms recognized as worthy at instance A must be open to revision due to reassessments of the validity of the norm as a result of an improvement in the general level of cognitive capacities and responsiveness to reasons on the part of future participants undertaking a universal-reciprocal assessment at instance B.

The knowledge, time and capacity indexes are accounted for by making changes to the principle of universalization, represented in the ‘that can be anticipated’ *rebus stantibus* clause adopted by Gunther and Habermas. Previously, I showed how this clause ensures that the principle does not place unreasonable demands on participants. A norm that passes the test only passes on the presumption of unchanging circumstances *as well as* an unchanging level of cognitive development and

responsiveness to reasons. The clause applies to cognitive development because it would be unreasonable to expect participants to achieve an infallible reasonableness, either in terms of responsiveness to reasons or the ability to reflect and represent one's own interests.

The presupposition of infallible reasonableness was argued to bear on the universalization test in another way, where the epistemic rights and duties of participation in practical discourse must now be understood to extend to a person's right to be *able* to participate in dialogue. This is made salient by the fact that just as it is a performative contradiction to use external coercion to secure moral agreement, so too is it contradictory to manipulate a person's developing interests and cognitive capacities to secure moral agreement. For example, arguing for actions, policies and norms that undermine a person's process of initiation into practical discourse involves a performative contradiction because such arguments can only be made on the presumption of one's *own* ability to argue and represent interests (i.e. the argument being made is *itself* the representation of an interest, namely, an interest in undermining the representation of the interests of others). I therefore propose that Habermas' principle of universalization be changed to reflect the epistemic impermissibility of such coercion. I have referred to this form of coercion as *developmental coercion*. In this chapter, I will explain how developmental non-coercion is central to a moral conception of education. Specifically, I will argue that *how* we acquire interests and develop our practical reasoning is a topic of moral deliberation, where norms relating to this kind of socialization or initiation are subject to moral assessment. These norms of socialization represent our common interests in how we are to be treated in our development as persons. Accordingly, they represent interests that are basic for and intrinsic to any morally legitimate educational process.

The central focus of this chapter is to identify the conditions under which morally legitimate socialization norms are possible. In (1) I address the objection that socialization can only ever refer to socialization into specific or local communities, and therefore cannot represent a generalizable interest. On this view, patterns of socialization at most represent the norms and values of concrete communities that may differ greatly. Accordingly, norms that purport to represent generalizable interests will conflict and perhaps even illegitimately undermine these community-bound values.¹²³ I argue that such an objection rests fundamentally on a one-sided or individualistic treatment of morality and I explore R.S. Peters' concept of a universal moral community characterized by moral solidarity as one possible alternative to this view. On this account, there need be no artificial separation between the interests of unique individuals and the norms and values of the communities that they are being socialized into (2). Peters' conception, while provocative, does not show how the interests of the community and the individual can dovetail on *epistemic* grounds. In other words, it is not clear how the interests of discrete individuals can transform into an interest held in common by all persons. I argue that the conception of the person introduced by the pragmatist philosopher George Herbert Mead, and later refined by Habermas, is a fruitful starting point for addressing this question (3). For Mead and Habermas, well-ordered processes of socialization are what allow persons to become individuals. On this view, the tension between socialization and individuation can be transcended. This section takes up themes initially introduced in Chapter Four and is further developed into a conception of moral solidarity (4). Having done this, I then make a case for the possibility of morally legitimate socialization norms – universalizable norms that protect the interests of developing persons without undermining or leveling the particulars of communities (5). I then conclude (6) by showing how such norms can

¹²³ Clearly, such an objection could be put to *any* genus of generalizable interests, but the tensions are more salient for socialization norms.

represent generalizable interests that are educationally relevant and germane to educational processes. I also describe the relationship between these norms and the revised version of the principle of universalization developed in Chapter Six.

(1) Demands of Moral Proceduralism

Arriving at a valid moral agreement on socialization norms appears to be more procedurally demanding than other moral norms. The justification of moral norms generally can only be arrived at through a procedure of universal-reciprocal assessment of interests. However, socialization norms do not necessarily reflect the interests we have in shaping people in certain ways in order to serve society or “the common good”. An example will bring out the difference. The latter type of norm could consist in the obligation to raise children so that they see exercise as worthwhile *for the reason* that healthier children will have fewer health issues and reduce health care costs in the future. This could serve as the greater good of the community. But legitimate socialization norms are more properly conceived as a matter of how *anyone* in a position of developmental vulnerability would have an interest in being treated in their process of becoming a person *if they were capable* of assessing their own interests and the interests of others in practical discourse. The first type of norm is an assessment of collective interests. Only the second type of norm involves the assessment of interests in the universal-reciprocal sense. Accordingly, participants deliberating about the validity of socialization norms have the demanding cognitive task of undertaking the assessment of such norms for the interests of persons who cannot yet represent such interests but who nonetheless have a legitimate stake in the consequences and side-effects of the general observance of that norm. Such norms, if valid, must maintain respect for the unique perspective and interests of these individuals.

At the same time, socialization is unavoidably a process of initiation into *particular* worldviews. Accordingly, such norms cannot be insensitive to the expectations of particular communities, on the one hand, and the formative interests of unique individuals that will be socialized into such communities, on the other. These two demands are often seen to be at odds. Therefore, in the next section I will provide an account that attempts to go some distance in resolving the tension between individual and community in the context of the justification of moral norms generally, and socialization norms specifically.

(2) Morality, Interests and Intersubjectivity

I have claimed that one of the advantages of a Habermasian account of moral justification is that it avoids relying on foundationalist assumptions. A further advantage is that it stands as an important corrective to what has often been taken to be a “one-sided” treatment of justice in moral theory - the idea that public morality only refers to the demands of an “atomistic” individual, standing alone, insisting upon what is owed to him or her as a matter of right. The received critique is of persons operating within their own spheres of subjective freedom who must regulate their actions so that each individual’s freedom is preserved. Such an account makes it difficult to see how our own interests could relate to the larger community. If I regulate my actions simply so that I preserve my own interests in the long run, it is difficult to see how an interest could be held in common other than a common interest we have in securing our own particular interests.

One way to counterbalance an individualistic account of morality is to emphasize the ways in which the moral point of view plays out at a collective level. Once again, R.S. Peters has much of value to say on this:

[F]ellow feeling for another as a person is a more abstract sentiment than the fraternity felt by members of a cohesive face-to-face group. Moral agents do not form special societies for discussions of moral problems...neither is morality a code confined to a club, class, or state...A 'moral community' is not therefore supported by those massive feelings of loyalty built up over years of constant association in common tasks...Indeed to confront another simply as a person is to conceive him as detached from his natural affinities and associations...[A] 'moral community', by definition, has no authority structure, no built-in appeal to consensus. By this is meant that the validity of moral rules is not determined by appeals to authority or to majority agreement as are the rules of states or clubs...Their validity is determined by appeal to reasons...

(1966, p.226)

Notice that members of Peters' moral community must encounter one another as equals, 'simply as a person'. We should be careful, however, not to read Peters as saying that we encounter one another as *abstract* others. What he means is that our individual interests, though morally relevant, have no decisive authority. Interests can be reasons for action, but they are not reasons simply *because* they are interests. An interest can clearly be a poor reason for action, for example, someone may have an interest in harming another person. Clearly, one is socialized into and acquires interests in concrete, 'face-to-face' communities that are more immediate than the kind of idealized moral community that Peters posits. However, the moral community is a kind of common and final court of appeal for when these specific interests appear to conflict between individuals.

Regardless, the characterization of a moral community in these terms does not adequately explain how a moral agreement *requires* genuine consideration of the interests of others. True, one *must* consider the interests of others in arriving at a moral

agreement for the *epistemic* reason that these interests could represent a common interest. However, an epistemic account by itself does not make clear what it *means* to be a member of a moral community. Moral arguments are distinct from other kinds of argument. People who engage in moral deliberation must already adopt the moral point of view in seeking to arrive at a just and fair agreement with other persons. Epistemic requirements come into play only once this point of view has been adopted. Without this point of view, for example, could Peters' 'moral community' be anything other than a set of individuals who simply advocate for what one is owed as a matter of simple equality? Individuals asking moral questions in such a community might only have a strong sense of what is owed to them as individuals. How does moral deliberation reflect concern for and between individuals as members *of a community* and not simply self-interested persons that simply cooperate in order to preserve their private freedom? Put differently, how do we move from a kind of moral contractualism to genuine moral concern?

Peters recognizes this concern. His moral community is *made possible* through genuine concern between its members. Peters sets out this form of solidarity (or fraternity, as he calls it) in the following terms:

[T]here is one sort of kinship that must be appropriate for a rational being, whatever he feels about his loyalty to family, state, class or club, and that is his kinship with other rational beings as persons. In so far as he is a rational being, and joins with other rational beings in seeking to discover what ought to be done, his kinship to them as persons, with points of view to be considered, claims to be assessed impartially, and interests to pursue without unjustified interference must be considered important; for *this minimal type of kinship is a precondition of the situation of practical reason.*

(1966, p. 225, emphasis mine)

This characterization of fraternity needs to be interpreted with some care. It could be tempting to read Peters as trying to pass off an *ad hominem* argument about the character of those that do not accept his rationalistic account of the moral community. But I think it would be a mistake to read Peters in this way. Peters' account of moral fraternity must be evaluated within the context of what he takes to be *required* for practical discourse. For Peters, moral fraternity is a necessary *condition* for the possibility for moral discourse. True, individuals may experience this sentiment more or less than others. Nevertheless, at a *formal* level, moral fraternity is necessary for the persistence of a co-operative moral community.¹²⁴ If individuals do not seriously consider the interests of persons *as* persons, one cannot ever determine what *ought* to be done.

Peters' conception of moral community has the potential to draw out the solidaristic dimension of morality. He offers an account of individuals who together share a mutual concern for one another in terms of a *cooperative* search for how we ought to act toward each other. As Rehg's (2003) account had shown, this form of cooperation entails mutual and genuine attentiveness to the points of view and interests of all others (what he calls 'dialogical reasonableness'). It also includes the idea that our interests can change based on our recognition of these distinct points of view. Valid moral agreements point not simply to discreet individuals, but to an expanded sphere of community to which *all* individuals belong. Such an 'abstract fraternity' is necessary for a universalist morality to be at all possible.

¹²⁴ At the opposing end of a moral community is a community in which the individual is sublated within the universalistic demands of the collective: "In such a community men might think quite rationally together, and be staunch advocates of fundamental principles such as justice, equality, liberty, and the consideration of interests. But they might apply them very differently, as Plato did, because of their commitment to a common life rather than to the rights of individual persons. Justice might be interpreted as the principle of making distinctions only where there are relevant differences; but the supremely relevant differences would be the contribution made to the community as a whole by those occupying different positions in the community. Man would be considered only a functionary, not as an individual with a distinctive point of view on the world." (1966, p. 217).

Why *this* kind of solidarity? Clearly, there are *other* forms of fraternity, depending on our cultural context, and, consequently, we cannot refer to specific examples in order to show that the kind of fraternity Peters identifies is necessary in the universal or transcendental sense. Moral discourse could, depending on the context, be supported by a sense of honour, competitiveness, or philosophical curiosity about moral truths — sentiments that have an equivalent *effect* as abstract fraternity (for each could motivate participants to keep the conversation going) but none of which is quite what Peters has in mind because none of these sentiments invoke the right ‘moral attitude’. A rational egoist can easily recognize that he may need to publicly demonstrate a concern for the needs and interests of others in order to encourage others along in the kind of discourse that would lead to an agreement that benefits him. But this in no way shows how moral agreements are valid *because* they refer to our general welfare and well-being. What I think that Peters (and Habermas) want to show is that the necessity of reciprocal perspective taking as an *epistemic* requirement means that moral deliberation cannot be undertaken without a certain moral attitude toward others. For example, imagine that a community of individuals convened in order to ‘discover’, ‘justify’ or ‘construct’ a set of comprehensive moral principles. Such an endeavour would, on either Peters’ or Habermas’ account, be unsuccessful insofar as each participant is simply intellectually curious about moral principles. Rather, they each must have a genuine interest in the interests of their fellow person.¹²⁵ But why is such a moral attitude *necessary*, on this account?

¹²⁵ Similarly, John Rawls recognized that participants in the original position must possess a sense of justice in addition to a sense of the good life.

(3) Personhood in the Moral Community

George Herbert Mead's social theory of mind offers one way of explaining this. For Mead, individuals can only develop *as* individuals within the context of communicative interaction with others – in other words, every self is a *social* self.¹²⁶

G.H. Mead contrasts his social conception with a theory that reconstructs the self from the starting point of the individual. He concludes that individualist accounts cannot get around the problem of how minds are supposed to become self-reflexive in anything other than the most narcissistic fashion. If the mind only relates to and becomes self-aware of itself in terms of what it can reveal to itself, perhaps through introspection (as if viewing the inner contents of the mind as an “observer”) sociality must remain something irredeemably ‘inside the head’ (1967, p. 111-112). An account that *begins* with consciousness has trouble accounting for how an *a priori* private self becomes a public one who can associate with others in a meaningful way as a consequence of its own self-awareness.¹²⁷

If the analysis is turned around, however, one can offer an account of how individual selves arise through social processes of meaningful interaction. Here, the linguistic gesture allows the self to come into view from the intersubjective standpoint of speakers and hearers who, engaging in speech-acts, become aware of their own

¹²⁶ As Christine Korsgaard rightly claims, though we generally agree that human beings are constitutively social, modern moral philosophers have not taken such a fact seriously in their attempts to justify morality (1996, p.135). Korsgaard attempts to do as much in her account, relying on her own interpretation of Wittgenstein's private language argument. I think that Korsgaard's use of Wittgenstein is insufficient in this respect. She says that because my use of a language makes it normative for me (p.138) it must therefore be possible for it to be normative for others if it is to be a language at all. Therefore, she concludes, meanings (and reasons, including moral reasons) cannot be constitutively private. However, the interpretation offered does not seem to explain how publicity makes me *accountable* to others in the moral sense. I argue that Mead's account *does*. Thomas Nagel's critical response to Korsgaard seems to share in this critical view when he says that her use of Wittgenstein doesn't help her case because “egoism doesn't violate publicity” (1996, p. 208).

¹²⁷ While the atomistic self challenged by Mead and others is a logical construct used in the derivation of principles of justice, the social self proffered here is a rational reconstruction of what *actual* participants would have to achieve in order to be able to deliberate on shared principles in the first place.

gestures as they appear from the standpoint of any other (p. 65-68). When I make a vocal gesture, such as yelling, 'Watch out!', I can hear the same gesture as the person to whom I address the gesture. I can therefore elicit the same response in myself that is called out in others. The vocal gesture becomes a bridge between actors - a meaning that can generalize between them. The linguistic gesture becomes a shared and *holistic medium* through which individuals co-operatively construct self-understanding.

Meaning does not begin within isolated subjects, but *in discourse* (p. 147). All actors must make the same communicative presupposition that what they say will mean the same for themselves as it will mean for others and, taken together, forms a "universe of discourse" in which actors, through exchanging understandings, become selves (p. 89). The gesture 'Watch out!' only takes on meaning if what I mean by the gesture is the same for myself as for others (even if I use the gesture in a deceptive way). As I learn that my gestures affect others in the same way those gestures affect me, I begin to perceive myself as an accountable social entity as opposed to a solitary subject - I now understand my own behaviour because my gestures now take on meaning for me as taken from the perspective of others reacting to those same gestures (Habermas, 1992, p.176; Honneth, 2007: p. 186).

Consequently, we have a self that can only become a self - with its attendant meanings, interpretations, normative expectations and so on - through its communicative interaction with others. In this way, the self is intersubjective insofar as it is dependent upon interaction with other selves. Mead articulates this dependence in contrast with contractarian theories of the self:

[T]he contract theory of society assumes that the individuals are first all there as intelligent individuals, as selves, and these individuals come together and form society. On this view societies have arisen like business corporations, by the deliberate coming-together of a group of investors, who elect their officers and

constitute themselves a society...however...if the individual reaches his self only through communication with others, only through the elaboration of social processes by means of significant communication, then the self could not antedate the social organism. The latter would have to be there first.

(1967, p. 233).

Habermas takes up this theme in terms of his account of communicative socialization. Here, individuality is founded upon an unceasing dependence on social processes of communication: “[Self-consciousness] possesses an intersubjective core; its eccentric position attests to the tenacious dependence of subjectivity upon language as a medium through which one recognizes oneself in the other” (1992, p. 178). But such a formation requires that one first be recognized in interaction as one who is accountable for one’s own actions. Accountability to the social community is something to which we respond and take up into our self: “The self...is dependent upon recognition by addressees because it generates itself as a response to the demands of an other in the first place. Because others attribute accountability to me, I gradually make myself into the one who I have become in living together with others.” (1992, p. 170). Mead refers to the unity of self arising from such a process as the “generalized other” – the attitude of the whole community that mutually confers norm expectations on all others, to which these same others are all accountable (1967, p.154). We internalize this generalized other in terms of conventions of behavior that are shared within the community. Mead gives the example of a baseball team to illustrate this – we each have a unique and irreplaceable position on the team, but we can only co-ordinate our activities with the rest of the team (to play the game; to become part of a form of life) if we anticipate what our teammates will do – when the batter hits the ball, we must consider the perspective of all our teammates in order to properly co-ordinate the play. We must, as Mead puts it,

“become everyone else on the team” (1967, p.154). On this view, accountability, publicity and identity are intertwined.

A conception of persons as irreplaceably unique and individual, yet irreducibly social, shifts the emphasis of moral deliberation away from an individualistic standpoint. Within this latter standpoint, I posit myself as a radical individual whose needs, wants and interests are private and of which I have absolute ownership and authority. My private self, having only come from me, is constitutive of who I am in the last instance. When I encounter an other whose interests run up against my own, this other becomes a problem that I need to solve if I wish to maintain my self. True, I can be moved to communicate, negotiate and co-operate; to “give-up” some of what I want so that we can both get along. Here, however, negotiation is but the uptake of another private interest. If discourse does not play to my interests, I am free to pass on it. However, a change in my own interests must be conceived of as a loss only if I presuppose that I *am* constitutively individual and therefore a fundamental source of those interests.

Because the other is absolutely separate from me, our interests can at most overlap, but they can never be held in *common*. On the other hand, if we recognize the self as constitutively social, we should not make any such presupposition. As Christine Korsgaard explains:

The public character of reasons is indeed created by the reciprocal exchange of reasons, the sharing, of the reasons of individuals...[B]ut if these reasons really were essentially private, it would be impossible to exchange or to share them. So their privacy must be incidental or ephemeral; they must be inherently shareable. We might call this view ‘publicity as shareability’. I take this to be equivalent to another thesis, namely, that what both enables us and forces us to share our reasons is, in a deep sense, our *social nature*.

(1996, p.135).

On this account, it becomes entirely possible to understand my own interests as revisable and changeable. Recognizing that the interests of *others* can be reasons for action is not a loss, but a gain.¹²⁸ More importantly, we can see how our interests are revisable to the extent that we can recognize that there are certain interests in the equal interest of all, endorsable by me from the perspective of all others. Members of a baseball team each have a unique perspective on the field, but all could accept that it is in their equal interest to pay close attention to the next play. Otherwise they could not even function as a team. This does not mean that one has to subsume the self to the conventions of society. A person's recognition of other interests does not require the sublimation of the self to the demands of the community, it is a contribution to it: "The individual not only has rights, but has duties; he is not only a citizen, a member of the community, but he is one who reacts to this community and in his reaction to it, as we have seen in the conversation of gestures, changes it" (1967. p. 196).

(4) Moral Solidarity

The individual does not stand alone, and the community does not stand apart from individual contributions. Thusly, morality *cannot* stop at protecting the individual, for that individual is constituted and maintained through the very public, reciprocal relations of recognition that make community possible.

Recognition becomes a constant source of feedback for how I understand others and myself. When understood in these intersubjective terms, we can no longer

¹²⁸ Mead writes "We are definitely identified with our own interests. One is constituted out of his own interests; and when those interests are frustrated, what is called for then is a sacrifice of this narrow self. This should lead to the development of a larger self which can be identified with the interests of others. I think all of us feel that one must be ready to recognize the interests of others even when they run counter to our own, but that the person who does that does not really sacrifice himself, but becomes a larger self" (1967, p. 386).

uncritically accept an individualistic conception of morality. *Any* communicative form of life must be regulated by norms of action that create an environment amenable to individual self-determination. Such conditions are not transcendently given, rather, they must be continually produced and reproduced through our actions with others. As Habermas maintains, the complement to individual respect is *solidarity*:

[Solidarity] is rooted in the realization that each person must take responsibility for the other because as consociates all must have an interest in the integrity of their shared life context in the same way. Justice conceived deontologically requires solidarity as its reverse side.

(1990, p. 244)

Moral claims relate to one's individual interests. But they are at the same time claims about the well-being of a community. The integrity of a self that makes it possible to have interests relies upon contexts of interaction that must *themselves* be well-ordered (1993, p. 324). Thus, valid moral norms represent a concern for the welfare of all persons.

This kind of solidarity becomes an indispensable feature of moral life when we drop the atomistic or individualistic subject and replace it with Meadian subjects who, "as subjects capable of speech and action, can be individuated only via the route of socialization" (Habermas, 1990, p. 243). These subjects can only achieve this individuation by entering into a communicative form of life. However, the developmental centre of this individuating self (or as R.S. Peters would put it, a developing centre of consciousness) becomes increasingly dependent on relations with others as one's sense of self becomes more and more determined by "communicatively produced interpersonal relationships" (p. 243). Axel Honneth describes this form of intersubjective dependency in terms of recognition: "the reproduction of social life is governed by the imperative of mutual recognition, because one can develop a practical

relation-to-self [a sense of identity entailing who we are, who we want to be and how we ought to act] only when one has viewed oneself, from the normative perspective of one's partner in interaction, as their social addressee" (Honneth, 93, p. 1996). People have concrete responses to a person's actions, to the claims they make about their community, the world around them and themselves as an individual.¹²⁹

Communicative relations are reciprocal and become a constant source of feedback for how I understand others and myself. For Habermas, "this explains the danger to, and the chronic susceptibility of, a vulnerable identity" (1990b, p. 234). Morality is a response to our vulnerable identity: "[M]oralities are designed to shelter this vulnerable identity. Because moralities are supposed to compensate for the vulnerability of living creatures who through socialization are individuated in such a way that they can never assert their identity for themselves alone, the integrity of individuals cannot be preserved without the integrity of the lifeworld that makes possible their shared interpersonal relationships and relations of mutual recognition" (p. 243).

On this view, solidarity means that my sense of morality extends beyond my own self-protection in terms of rights: morality requires that I see myself as a moral agent with obligations extending beyond respect for the private interests of others. The protective dimension of moral solidarity means that there will be occasions when we will have to take a proactive interest in others insofar as we have an obligation to protect the welfare of consociates. As Shane O'Neil puts it, "the integration of solidarity into the core of a theory of justice...affirms the fact that one cannot respect the rights of individuals without also protecting and generating the intersubjective

¹²⁹ Honneth argues that this failure to recognize others in any one of three modes of interaction (interactions between individuals with needs; between persons as right-bearing legal subjects; between particular subjects with their unique features) takes on the negative form of disrespect that feeds into various social conflicts. On Honneth's view, social conflicts are expressions of a moral struggle for recognition (1996).

bonds of solidarity on which the particular identities of those individuals depend” (1997, p. 52). Seyla Benhabib is largely in agreement with Habermas’ view on solidarity. For her, solidarity opens up an important feature in our shared understanding of justice and morality - the fact that communities actively seek ways to regulate “fragile human relations” (1992, p. 190). Solidarity continually reminds us of the “otherness” of morality and operates as a check against the tendency to think of what morality can do for *me*.

Axel Honneth takes Habermas to task on this conception of moral solidarity. According to him, the reasons-based, intellectualist bias of moral justification downplays the interpersonal struggles through which solidarity takes shape: “what necessarily remains unclear in such a generalized form of concern are the particular motives and experiences that supposedly lead to [solidarity’s] development in the first place” (2007, p. 123). Honneth sees Habermas’ conception of moral solidarity as falling into the same pitfalls of abstraction and ahistoricism with which other Kantian conceptions of justice have been charged (Martin, 2007). On Honneth’s view, no intelligible conception of solidarity can develop without it having some inextricable basis in ethical life, where any feeling of social membership must first be grounded in the struggle, conflict and hardship with others (2007, p. 123). For him, solidarity can only be generated through the experience of struggle. An intellectualist procedure of moral justification cannot supply or replace such experiences. There simply cannot be solidarity generated through moral discourse.

I argue that Honneth is mistaken, mainly because he misplaces the role of solidarity in Habermas’ account. He seems to think that feelings of moral solidarity are supposed to be a *consequence* of moral agreement – something that arises in a moral discourse *after the fact*. As if in constructing a common interest, we suddenly have a more generous attitude toward one another. Honneth argues that an agreement on

universal moral norms could only “generate” solidarity to the extent that rational discourse contributes to the formation of a collective identity – something a moral agreement does not aim to do. Moral agreements about what is just and fair are not the same as agreements about group identity and shared values.

However, Habermas does not claim that moral agreement is supposed to “generate” solidarity. Moral solidarity is not properly understood as the outcome of a process; rather, it is *operative* in moral justification itself. The idealizing nature of reciprocal communication involves an unavoidable appeal to a universal community (what Mead calls the “universe of discourse”; what Peters calls the “moral community”), where communicative conditions of symmetry and reciprocity hold. To give reasons in support of a moral claim in such a discourse is to recognize others, for we give reasons with the (fallible) anticipation that they are convincing *for* any other. Reason-giving presupposes moral solidarity, not because solidarity functions to carry the discourse forward, but rather because discourse itself involves the recognition of a prior association to which all belong.¹³⁰ Moral agreements are solidaristic because they could only arise under conditions where one could be freely convinced of the self *and of* the other-regarding generalizability of interests that this agreement represents. A moral agreement is only binding to the extent that these conditions are fulfilled, and this *includes* an empathetic attentiveness to the claims of others (1993, p. 325). Without appropriate attention to the perspectives, experiences, feelings and needs of others, no claim to moral rightness will gain the degree of convincing generality such that it could be recognized as worthy by other persons. In other words, the solidarity to which Habermas refers is of a different order than the one to which Honneth refers.¹³¹

¹³⁰ “[A]s a participant in the practical discourses each person is on his or her own and yet joined in an association that is objectively universal. In this respect the role-taking model used in discourse is not equivalent to the social contract model” (Habermas, 1990, p. 246).

¹³¹ Axel Honneth concedes as much. His main issue with Habermas on this point is the use of the term ‘solidarity’ to describe something that is in many ways different than conventional solidarity. The

(5) Solidarity and Socialization Norms

The account of moral solidarity and the social conception of self proffered by Habermas, Mead, Honneth and Korsgaard show how common interests serve to protect individuals as well as the community because both demands are in actuality inseparable at the level of moral justification. These reflections on socialization and solidarity open up a space for understanding educationally relevant norms as a specific type of common interest. Unlike many other normative questions, questions about education are inextricably tied to processes of socialization. On this view, socialization is education's *unavoidable* moral focus – educational policies are established with the intention of shaping the socialization of individuals in determinate ways, or are at least their authors should be cognizant of the fact that such policies *will* have determinate consequences for each person in his or her development. At the very least, we must be aware that socialization represents a distinct theme for moral deliberation. Educational processes cannot avoid socialization, even if socialization is not necessarily a given aim of education (White, 1975).

Consider that if morality works to protect vulnerable identities, it faces even greater responsibility for individuals in the vulnerable state of *becoming* individuals. In fact, these processes are *themselves* a potentially suppressed common interest. In this context, protection refers not simply to generalizable interests, but to a very specific type of generalizable interest: what are the conditions of socialization that all persons ought to have access to in the process of becoming individuals? If Habermas and Mead are right

political connotations of the word 'solidarity' make the use of this term inappropriate or ill-chosen, on his view (Personal Communication, LSE, London, 2007).

on the relationship between socialization and individuation, legitimate educational processes transcend what is typically seen as an opposition or dichotomy between individuation and socialization. And this gives educational processes a key role. Unlike adults, who interact within the context of a community to which they are full members and to a social world with which they are more or less familiar, developing persons are in the *process* of becoming unique members of a community and, as Mead has shown, are very early in the uptake of a self-conscious identity. We can enter the community in many ways, but it is clear that not all these processes are going to do justice to these developing selves. Therefore, educational questions taken up from a moral perspective must, at the very least, address such socialization processes from the standpoint of what would accord with the interests of all persons becoming individuals. To put this in more Kantian language, morally legitimate socialization must be understood as an end in itself.

Accordingly, educational arguments that purport to be valid for and applicable to all persons do not refer to the subjective freedom of essentially atomistic individuals *or* utilitarian considerations of the 'greater good'. In a moral debate about socialization we need to see arguments not primarily as an attempt to balance interests between different sets of individuals, rather, such arguments are introduced into discourse as an attempt to determine what policies, if generally observed, are in the equal interests of all concerned. Here we are not talking about just *any* kind of generalizable interest. As I have been arguing, educationally relevant norms represent a more specific kind of common interest. When our arguments revolve around the consequences of educational actions, policies or norms on the economy, or the vibrancy of the polis and so on, such arguments put the cart before the horse in assuming that we exhaust our moral defense of what education ought to be in terms of the ways in which we can harness

socialization in order to produce goods for the community at large.¹³² This is too narrow a range of considerations. Such an approach, while perhaps broadly moral, does not really tell us much about the morality of socialization, in the sense that educational policies have direct and indirect effects on the experiences of persons who through their interaction with others that are learning to become individuals. True, the institutional arrangements of schooling, like that of hospitals, libraries, prisons and so on, can in part be morally assessed on the consequences that these arrangements have on the aggregate well-being of society. Nor am I making the claim that political considerations have no place in such debates. However, debates about our interests in morally legitimate educational processes that take such issues as their starting point miss the mark. When public discourse about education is left only as an institutional question, socialization will inevitably be exploited simply as a means to some particular end. In its moral treatment, socialization is recognized as a process through which every person becomes an individual and where each person's individuation is seen as an integral part of his or her personhood and must be treated as such.

Further, while moral discourse about education is a search for what is owed to all persons insofar as they are becoming individuals, the solidaristic dimension of the moral point of view shows us that the debate is equally about the well-being of the community whose members have been socialized in such a fashion. It is only from both directions that we can judge a policy in terms of the consequences of that policy on the larger community. A moral standpoint on education, with processes of socialization as its unavoidable focus, is judged from a perspective that assesses the foreseeable consequences and side-effects that a norm of socialization has on the well being of a community made up of such persons. As Klaus Gunther rightly notes, it is true that what persons judge to be worthwhile or in their interests presupposes specific

¹³² This would be a kind of socialization in Oakeshott's critical use of the term (1975, p. 33-36).

dispositions and affections that are themselves acquired through socialization. But this fact does not *preclude* that the standards of socialization are themselves in need of justification (1988, p. 184). I take this to mean that these standards represent an important theme for moral discussion. To reiterate: the question is not so much about the effects that schooling will have on the community “at large”, rather, it is about whether each individual could accept (even in principle) that they *and* all other persons are socialized under such conditions.

Viewing education from a solidaristic standpoint turns the issue around. Rather than treating socialization processes and education policy simply as a means to further *collective* ends – economic, political, civic, and so on, it seeks to determine those processes of becoming persons that each and every one of us ought to have equal access to as a matter of respect. Economic, environmental, health and political consequences are clearly aspects of such moral deliberations, and to ignore them would be tantamount to justificatory irresponsibility. But these considerations are not *a priori* relevant in such debates – in fact, their relevance rides on the extent to which they are taken to serve the interests of persons concerned with the effects that such factors will have on interdependent, developing persons. In moral debates about education, all ‘ends’ are relegated to the status of considerations we make when we deliberate on how we ought to socialize persons in a way that does respect to their inviolable dignity as persons, *and* the dignity of the communities within which they will hopefully become full members.

(6) Educationally Relevant Moral Norms and Socialization

With the construction of common interests as its deliberative focus, it can be seen how an inclusive procedure of moral justification can assess the generalizability of

actions, policies and norms of educational relevance. These norms do not sublate the interests of the developing person to the needs and wants of the community at large. Nor do they seek to level differences between particular communities. Rather, they refer to a specific type of common interest: our equal interest in being treated in a certain way as we begin an ongoing process of socialization and identity formation.

Further, such actions, policies and norms are not only possible through the application of general moral concerns to educational contexts, but can refer directly to common interests we have in educational processes by virtue of the reasons used for justifying such interests. From this perspective, the reasons supporting a justified norm of socialization could also be understood as educational reasons of a sort. But such reasons are considered distinctly educational because of their generally recognized contribution to the construction of a common interest we have in the treatment of persons in educational processes and not on the basis of a foundationalist, realist or essentialist account of what education is or ought to be. In this sense, what it means to be educated refers to persons treated in a way consonant with publicly justified norms of socialization.

R.S. Peters claimed that the use of the concept education presupposes activities having moral value, but what those standards are in virtue of which such activities can be thought to have moral value is a further question (1967, p. 4). On the account I have offered, this standard is one that is publically justified and constructed through moral deliberation with others, where the deliberators must strive to assess the effects of the general observance of proposed standards on the formative interests of those in the process of development. Peters rightly identified the problem that the concept of education was seeking to address: we try to direct developing persons into specific practices, traditions and ways of life because we are of the belief that these are worthwhile or will be of benefit to them. But we must also decide what it is that we are

justified in directing them toward. The conception of education is the principle that will allow us to arrive at a solution of the problem. The modified principle of universalization I have proposed represents what I take to be the best solution to that problem.¹³³

This solution is a procedural moral principle that has only been revised in order to make the moral theme of socialization more salient to the participants:

U^D: A norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientation of each individual could be jointly accepted by all concerned without external or internal (including developmental) coercion.

The reference to developmental coercion can be traced back to the argumentative presupposition that our common interests cannot be ascertained from the self-interested perspective of the adult community. This holds for general norms for certain, but especially so for educationally relevant norms. Epistemic rules of argumentation extend to a person's right to be able to participate in practical discourse. One deliberative consequence for this is that persons cannot knowingly be prevented from developing the capacity to be able to do so, either by being shaped in ways that make them less able to represent their own interests, to alienate them from their own developing interests, or to so rigidly initiate them into the conventions of the community such that they cannot take a critical stance on such interests.

Yet, it remains true that such persons *cannot* represent their interests in moral deliberation. So how can the participants realistically proceed? How can we ensure that proposed socialization norms do not illegitimately undermine the developing capacities and interests of these others? I think the answer is procedurally demanding, but not unattainable. It is clear that as a matter of universal-reciprocal role taking, competent

¹³³ See the Introduction of this thesis for an account of the role of and distinction between conception and concept..

deliberators must adopt the perspective of these absent others to the greatest extent that they can. I think that this kind of perspective taking represents an important aspect of educational thinking – the ability to assess the actions, policies and norms of educational relevance from the perspective of those who are most affected by them. This is why developmental coercion is central to our testing of the moral worth of such actions and policies. Norms of action that may be taken as being acceptable from the perspective of fully formed persons with relatively stable interests and identities may fail the test of discursive generalization because such norms must also be assessed for the side-effects and consequences of the general observance of these norms for the formative interests and value orientations of developing persons. It is therefore my contention that the revised principle of universalization that I have introduced represents a more complete account of moral impartiality by virtue of the fact that it explicitly recognizes the epistemic relevance of the perspective of persons who are new to the world.

Conclusion: Education and the Morality of Human Development

This thesis opened with the question, ‘What does it mean to say that a person has been educated?’ One of the central insights offered by R.S. Peters is that in the very asking of the question, we have committed ourselves to a distinctive kind of inquiry. By ‘distinctive’ I mean that we have committed ourselves to the possibility that there is some rational standard by which we can distinguish a process having educational value from ‘something else’. But what is the exact nature of this standard? And how can such a standard have relevant impact on our deliberations about those activities what we believe to be of educational worth?

Now in one sense we can stress the achievement aspect of this standard. To have acquired knowledge X or experienced activity Y is to have met the standard. If this is true, the task aspect of this standard also becomes clear: we must incorporate into our educational processes those practices that will ensure that persons acquire knowledge X or experience activity Y. What I take this to mean is that once we have a standard that represents a legitimate reflection of the enterprise of education, such a standard is normative. Of course, such a standard only becomes normative in this sense once individuals have already committed themselves in some way to an educational process. But on what grounds can an educational process be conceived in such a way that communities have both a duty to provide it and a right to engage with it? An educational process that is good may still remain in some sense a matter of preference. If I want to be educated, this is what I must do if I want to do it well. But is there anything morally intrinsic to these processes such that their provision is a matter of societal obligation? David Cummiskey nicely outlines this prioritization in the following terms:

Whatever *your* preferences may be, *others* are primarily bound to recognize claims to subsistence, education, security, and liberty. We should not simply distribute social goods – like rights and liberties, education, health care, powers and opportunities, and income and wealth – so as to maximize the average happiness of the society. Until everyone has a satisfactory minimum of these primary goods, demands based on all other preferences are secondary. Since these social goods provide the necessary conditions for the growth and exercise of our rational capacities, the priority of rational nature justifies their moral primacy.

(1996, p. 158)

Cummiskey's justification of education as a moral right is based on a particular interpretation of our rational nature. It is a view that I do not necessarily agree with. First, we have reason to find Kant's account of 'rational nature' suspect. Furthermore, even if we *were* to adopt this view, it is not clear that Cummiskey's interpretation is uncontroversial from within a Kantian standpoint.¹³⁴ But I agree with the broader take. If education is to be anything other than an expendable social good (and I think we have much reason to believe this is very much how it is treated in contemporary society) we need a clear statement of those conditions under which education is a moral right.

Of course, such talk inevitably introduces questions of value. Answers to such questions, especially if they are to play a contributing role in the development of persons, are subject to justification. It comes as no surprise, then, that much discussion about education requires an (at the very least, tacit) endorsement of a particular conception of education. Such conceptions serve as a kind of proposed solution to the problem of what is legitimately entailed in an educational process. Once the problem is

¹³⁴ Cummiskey labels himself a 'Kantian consequentialist'. He interprets Kant's writings on beneficence to mean that we have a *perfect moral duty* to promote the rational development of all persons whenever possible. Here, rational nature is the highest good within a consequentialist moral framework. See, however, Thomas Hill's (2002) excellent critique of Kantian consequentialism.

solved, so the argument goes, we will then have some kind of justificatory framework (however broadly conceived) through which such practical questions can be adjudicated. What I have sought to do in this thesis is to take a closer look at terms under which such a conception can serve as a legitimate or non-arbitrary justificatory framework.

It bears repeating that the driving methodological concern informing the analysis is that the practical principle informing any such conception cannot be arbitrary. This is why I have endeavored to entertain a conception of education that does not presuppose an essentialist account of human reason (such as Kant's) or teleology of human development (such as Aristotle's), nor one that endorses a relativized conception of practical reason. The latter, for example, would seek to reduce all practical questions, including questions concerning human growth and development, as fundamentally contingent upon or relative to the values of a particular cultural or historical community. Accordingly, any conception of education developed through such an account of practical reason would also be relative or contingent. And while it would be naïve to ignore the fact that educational processes in many ways overlap with or rely on various cultural and historically relative notions of human growth and development, it does not follow that a legitimate conception of education must be *reduced* to such notions. The fact that we can talk about how education changes from time to time and place to place seems to support this claim.¹³⁵

As I have argued, the best 'theory of value' with which to develop a conception of education is fundamentally moral. But by 'moral' I have a specific scope and nature in mind – those norms of action that could be agreed to by all persons in non-coercive rational discourse. I see this account of value as the best place to situate a

¹³⁵ Even if we treated different conceptions of education as different 'paradigms' in Kuhn's sense, it would not follow that we could not compare, contrast and rationally deliberate on these various paradigms. That certain terms are incommensurable does not make them incommunicable or unintelligible. See Kuhn (1983).

generalizable conception of education – what I have in other places termed ‘nested justification’ – because such an account of morality, if cogent, is able to strike a very delicate balance between establishing the generalizability or universalizability of educational criteria *without* arbitrarily leveling or undermining different notions of human flourishing. The latter is guaranteed in part by the procedural nature of the test: the justification of moral norms requires the contribution of individual interests and values as a means of arriving at a common or generalizable interest. This seems particularly germane to any conception of education. If a practical principle arbitrarily suppressed human flourishing, it would be difficult to see how this would be properly seen to be a conception of education at all.

In this sense, the development of such a practical principle required a double abstraction. First, the principle requires sufficient abstraction from various conceptions of the good such that no one conception of human growth and flourishing illegitimately imposes itself on another. Second, it requires abstraction from any normative presuppositions implicit to our common language-use of the word ‘education’. This latter abstraction is crucial. Relying on language-use arguments alone risks importing assumptions about the nature, scope and purpose of education that are themselves subject to justification. Such distinctions can easily become question-begging – what we say that education is covertly becomes what educational ought to be. The all too common conflation between schooling and education is a good example of this. For many, the words can mean the same thing and can be used in the same way. But clearly, education and schooling have no necessary relationships. The enterprise of education may in some cases require schooling of some sort, but in others it may not.

This is one of the central reasons why my proposed conception of education does not take the form of a specific practical principle at all (what I have in various places called an autonomous conception). Instead, I opt to expand the moral scope of

the principle of universalization to include educationally relevant interests. It opens up the possibility, for example, that justified moral norms represent very basic or very general common interests that can be meaningfully applied in educationally fruitful ways. I suspect that our moral reasoning about indoctrination is one good example of this. We see indoctrination as morally impermissible generally. Regardless of the context or practices it might find itself arising within, we see indoctrination as inherently wrong. And, accordingly, the potential indoctrination of young children has become an important educational concern. It would not make sense to divide our thinking in two different moral worlds – one for educational processes and one for everything else.

But this does not mean that legitimate educational processes are exhausted by basic common interests. I have tried to show how educational processes can be informed by specific moral or common interests intrinsic to educational processes themselves. And it would be these interests that would serve as a universally valid and applicable framework for any conception of education. It would represent, minimally speaking, what *must necessarily be* for a person to be educated. Necessary, but not sufficient, of course, because once such common interests have been acknowledged, it is left to specific cultural communities to build on them. So such norms would merely be a foundation for education (using the term ‘foundation’ in the loose sense, here). So rather than start with a particular educational ideal and defend it against all challengers, I propose to begin by determining, collectively, what our common interests as developing persons are and to build upon these common interests.

But doesn't the attribution of certain common interests as being intrinsic to educational processes fall into the same kind of prejudgment or presupposition mentioned above? Doesn't that involve saying what education is? I think the answer could be ‘yes’, but not necessarily so. I have identified the relevant moral theme for the

justification of such interests as that of human socialization. I choose socialization because it seems to be the broadest concept we can appeal to without prejudging the issue or smuggling in normative assumptions about what education is. Of course, what is a morally legitimate process of socialization may well be a matter of debate. And it is this kind of moral deliberation that seems to me to be the most fruitful content upon which to begin to construct a legitimate conception of education. If a norm of action represents an interest that all developing persons in a process of socialization have an equal interest in, it follows that this must also be a fundamental interest for persons involved in an educational process.

I have claimed that a conception of education must begin with what must necessarily be for a person to be educated. The debate between parents and teachers in Labrador is a good test of this approach. The dispute between parents and teachers is more than a debate about the best way to conduct schooling. It is at its most fundamental level a disagreement about what persons have a right to as a part of their growth and development. True, it could also be construed in terms of the rights that parents have in making developmental choices for their children. The latter is an important political question. But from the moral perspective I have sought to proffer, it would be improper to view the question in this light. Parents may (in some cases) have better insight into the developmental needs of their own children. But unless it could be shown that parents have superior insight into the *generalizable* interests of developing persons (and this seems highly unlikely) there is little to recommend the idea that Innu parents have a moral right to decide the developmental future of all Innu children. Parents have a moral responsibility to make choices for their children that are in the child's best interest. But the rational authority of what is in the child's best interests cannot be determined by Innu parents alone. Of course, nor can it be determined exclusively by teachers or public policy-makers.

The emphasis on the moral obligations that we have to developing persons widens the scope of moral disagreement. But it also widens the scope for the recognition of interests that have been previously unnoticed or ignored. According to the revised principle of universalization I have proffered, a norm is only valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientation of each individual could be jointly accepted by all concerned without coercion, *including developmental coercion*. By this I mean that moral agreement must focus on what is in the equal developmental interests of Innu children *as persons* first. The deliberative focus is not the interests of parents or teachers, or even the interests of both camps taken together in the form of a compromise. Note that this does not, for example, preclude the idea that Innu children should not be guaranteed the right to participate in traditional activities such as hunting. It means that the various reasons *why* such children ought to receive this guarantee draw their rational or epistemic force from an appeal to the equal interests of all developing persons. The opportunity to be initiated into a stable culture, for example, could be one such common interest. But this also means that if the traditions or socialization practices of a specific community are structured in a way that undermines the common interests of developing persons, we may have an obligation to provide an alternative. So, for example, the claim that Innu children should be socialized into Innu culture simply as a means of preserving that culture would likely not pass the test. And of course moral critique applies equally to modern forms of institutionalized schooling as much as traditional communities. Given the lack of success of formal schooling in Labrador, it may turn out that *neither* option properly reflects the generalizable interests Innu children have in their own growth and development. The central point is that the focus of moral deliberation on educational policy is a focus on the equal interests of the developing persons affected by such policies and not the particular interests served by those making the policy.

Even if such specific developmental interests are *possible*, how can they be justified? How can we know what it is that persons in their development or socialization would have a common interest in? After all, even if we knew what would serve as a common interest for the children of our *own* community, this can by itself at most represent something akin to a conception of human flourishing. And what one needs to flourish in context A may not translate into what one needs to flourish in context B. This introduces the epistemic problem that I have sought to address through an expanded formulation of the principle of universalization. Here, I have attempted to make clear the importance of non-coercion at the developmental level. Such non-coercion is a *necessary epistemic condition* of moral deliberation and rational agreement. Such conditions were identified through an analysis of the same presuppositions of argumentation through which Habermas' principle of universalization was originally derived. In this respect, the universal-reciprocal assessment of interests must include the developing interests of persons involved in a process of becoming persons. Only through this kind of consideration of interests is it possible to rationally justify socialization-specific common interests. This also means that developing persons must at the minimum be provided with those conditions that are necessary for representing their own interests and for being perceptive to and receptive of the interests of others – in other words, rules of argumentation have normative consequences even for persons who cannot as yet participate in rational discourse. To use Cummiskey's idiom, education is universal insofar as it works to provide the necessary social preconditions for rational agency. And such preconditions must always take priority over other goods.

Finally, such a principle is by no means alienated or abstracted from contemporary socio-political concerns. I have emphasized the rational and epistemic grounds of moral justification and its constitutive role in the justification of education.

But I make this argument against the background of a political context that sees the enterprise of education and the practice of teaching in fundamentally instrumental terms, especially in terms of how this enterprise is applied to schooling. This emphasis, among other harmful effects, can encourage educators to see it as their job to persuade students to do things – to behave, to complete assignments, to follow the rules - and such an institutional focus teaches students to see reason-giving and communication as a fundamentally manipulative practice (Heslep, 2005, p. 191). I do not make such a claim from a naïve position or some kind of removed superiority. As a former school principal and teacher I concede that such an institutional reality makes up much of the ethical life of our profession, and it has certainly informed many of the decisions I have had to make in my own professional history. On the one hand, part of the challenge is one of resources – when schools are strapped for money, they are often compelled to use those resources in ways that are “accountable” and “measurable” in the narrow sense of the term. But an investment of material resources is only part of the equation. A school can have all sorts of resources but still fail in its moral task. And I think that part of this is that teachers are given little if any time to participate in quality moral reflection.¹³⁶ If the moral point of view is a learning process, teachers especially need an opportunity to engage in moral deliberation regarding the interests of the developing persons that it is their professional responsibility to respect. Without such opportunities, it is difficult to see how schools can be expected to overturn the instrumentalism and other forms of oppression. I mean to say that teachers ought to be afforded an opportunity to participate in moral philosophy. And I don’t necessarily mean the kind of esoteric moral philosophy that is characteristic of much professional moral inquiry, rather, simply the opportunity to think, reflect, and publicly deliberate on the ethical dimension of their enterprise – what Haydon (1986) calls collective moral philosophy.

¹³⁶ For more on this, see Sanger (2008).

As he rightly argues, moral reflection will have little to offer society if it is left only to professional philosophers (p. 105). True, professional philosophers can formulate and propose moral norms by which the enterprise of education can better meet its promise. But if the Hegelian aspect of Habermas' metaethical theory rings true, such proposals will only have convincing force if they cohere with real contexts of interaction for teachers and concerned policy-makers. Teachers, just like professional philosophers, need to have institutional space to engage in moral argument. This would require a large shift in teacher preparation and professional development. Especially since teachers themselves are often treated as mere means to policy goals.

I think that the revised principle of universalization that I proffer shows how a universalistic morality of human development is possible. And it is through this morality of human development through which a conception of education can be constructed. It is a morality that offers what I think is the best answer to Peters' original question: to be an educated person is to have been treated as an entity worthy of moral respect all the way up. This may mean that few persons have truly been educated. But it does stand as a moral ideal that we can aspire to achieve on behalf of future generations.

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