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## PARADOX AND COMPLEXITY

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In this paper I want to briefly sketch a set of interlocking propositions about democratic education that, taken together, make the task of democratic education at the very least more conceptually complex than we often allow. The difficulty of the task might explain why school policies today have defaulted to a bland sort of rule-based instrumental rationality, which has neutered schools morally and made them ideal institutions for shaping consumers demanded by a neo-liberal capitalism, but not the sort of citizens urgently needed for a democratic polity.

First, I will argue that *democratic life places moral demands on those who hold the office of citizen*: democratic citizenship requires a certain degree of particular virtues, where virtue requires the development of both disposition and skill. Virtue is not just a matter of doing the right thing, but doing so in the right way, in the appropriate circumstances, and for the right reasons.<sup>1</sup> In short, democratic education—education for democratic life—is a particular kind of *moral* education. In addition to skill, the disposition must also be fostered. Living virtuously is a skill<sup>2</sup> and therefore benefits from practice, but practice must be motivated. A democratic education must place me in a setting where I see models of virtue to which I respond by exerting the effort to become *like that*.

Second, I will argue that *democratic education is a communal activity*. Becoming moral is just to become a member of a morally normative community; it is certainly an individual event, but it is also—and no less—a communal achievement. This requires a certain kind of community, one that is both attractive and welcoming; to be morally formative, a community must have a clear set of *moral* norms by which membership is defined, and these norms must call prospective members to the life they define.

The third section of the argument notes that *diversity and tolerance are essential elements of any democratic polity*: without real and robust diversity, and without real and widespread tolerance,<sup>3</sup> no polity can be democratic. However, beyond some point, diversity can also create problems for democratic life, and, therefore, so can tolerance. If a morally normative community must have strong moral norms, and if boundless diversity makes this difficult to attain,

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<sup>1</sup> Aristotle, *Nicomachean Ethics*, trans. Terrence Irwin (Indianapolis, IN: Hackett Publishing Company, 1985).

<sup>2</sup> *Ibid.*

<sup>3</sup> “Tolerance” as an ideal is the very least a democratic polity must expect of its citizens; there are certainly conceptual difficulties with diversity being “tolerated” as opposed to “celebrated” or “appreciated.”

then democracies may face a real dilemma at the intersection of these two requirements; tolerance and acceptance of diversity may make identification and realization of strong core moral norms enormously difficult. Conversely, the instantiation of a strong set of core moral norms may marginalize some individuals (or morally normative groups) within the polity who do not share its core norms. This is why liberal polities often fall back on the thin consensus of procedures theorized by Rawls<sup>4</sup>—without a substantive agreement on the form of a good life in a decent democratic polity, agreement on the procedures for resolving differences may be the best we can do, which is not quite the same as being good enough. Such a solution maximizes the number of people who can be members by stripping membership of meaning and rigor.

The fourth and final section will argue that, *though intolerance is a real problem, too much tolerance is also a danger to democracy*. When tolerance is a goal in itself, it becomes difficult to respond appropriately to that which is intolerable. A democratic polity can be undone when its reversion to procedures and rules empties sanctions of moral authority and force. It may be the case that in order to maintain moral force, certain behaviors must be not just *procedurally punished*, but must be *publically condemned as intolerable*. In developing this point, I will consider a recent event at the University of Oklahoma involving racist speech at a fraternity event and the University President’s reaction to it. First, however, I must specify the meaning of two words that are often misunderstood: *norms* and *moral*.

Morality is based on the formation of conscience, not on compliance with rules and regulations backed by rewards and punishments.<sup>5</sup> Rules enforced by a system of rewards and punishments are designed to control behavior, not to produce moral agents. The problem is that producing compliant individuals undermines democratic life; this is the lesson of Milgram’s experiment on obedience.<sup>6</sup>

A problem inherent in the vocabulary of morality is that *moral* is ambiguous. On the one hand, *moral* can mean divinely inspired law that is universal and immutable. Alternatively, *moral* is more of a social construct, meaning roughly “the way we do things that make us, us.” This is not to say that *moral* in this sense is not a powerful concept, but its roots lie elsewhere than in a universally applied natural law or divine will (or natural law).<sup>7</sup> Empirically,

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<sup>4</sup> John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: The Belknap Press of Harvard University, 1971/1999).

<sup>5</sup> John F. Covaleskie, *Membership and Moral Formation* (Charlotte, NC: Information Age Publishing, 2013); Emile Durkheim, *On Moral Education: A Study in the Theory and Application of the Sociology of Education*, trans. Everett K. Wilson and Herman Schnurer (New York: The Free Press, 1961/1973).

<sup>6</sup> Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: Harper & Row, 1974).

<sup>7</sup> Durkheim, *On Moral Education*.

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and whatever ultimate grounding we try to give them, moral norms are inevitably the result of a human community's efforts to create the best possible social life.

*Norms*, then, should be understood as the moral rules of a social group, internalized: *Rules become norms when I recognize them as mine and when they acquire moral significance.*

#### DEMOCRACY AS A MORAL SYSTEM

One might plausibly argue that every way of life that is social in nature is at root moral: social life implies a code of conduct. However, no political form of organization depends more on the virtue of its citizens than democracy. This is true in two ways: (1) in a democratic polity, *citizen* is an office with responsibilities, not merely a condition of birth, and (2) the exercise of the office of citizen requires certain democratic virtues to meet these responsibilities.

A premise of democratic life<sup>8</sup> is that the chief task of democratic citizens is to make laws that will shape a good social order, not just to obey them. In a complex republic, the citizens' participation is indirect, but it is no less real. The central effect of our revolution was that the people stopped being *subjects* and became *citizens*. In a dictatorship or any form of authoritarian government, individuals are kept in line by limiting options in one way or another: entertainment and distraction (as in *Brave New World*<sup>9</sup>) or surveillance and monitoring (as in *1984*<sup>10</sup>). But in a democratic polity, citizens are mostly on their own: whatever *democratic life* means, it cannot mean being constantly under supervision and the threat of punishment. This is why Foucault's<sup>11</sup> vision of society is understood to be so dystopian: when there is no freedom, there is no moral agency.<sup>12</sup>

Another way to make this point is to observe that obedience is not a primary democratic virtue. In fact, many democratic heroes are celebrated precisely because of their refusal to obey some law viewed as democratically illegitimate: Martin Luther King, Harriet Tubman, Daniel Ellsberg, and Dan Berrigan are only a few of those who became democratic heroes by their acts of civil disobedience.

Conformity with the law is generally assumed to be a good thing, but that is because conformity between the laws and the moral norms of democratic

<sup>8</sup> The understanding of *democracy* in this paper is at root a Deweyan vision of substantive democracy, in which citizens have a commitment to a shared and communally constructed understanding of the common good, in contrast to a procedural understanding of democracy realized through a set of rules deemed "fair."

<sup>9</sup> Aldous Huxley, *Brave New World* (New York: Harper, 1950).

<sup>10</sup> George Orwell, *1984* (New York: Alfred Knopf, 1949).

<sup>11</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1977/1979).

<sup>12</sup> John F. Covalleskie, "Dewey, Discipline, and Democracy," in *Proceedings of the Fiftieth Annual Meeting of the Philosophy of Education Society* (Champaign, IL: Philosophy of Education Society, 1995), 180–87.

life is also generally assumed. When that is not the case, people who defy the laws in order to reaffirm democratic norms become moral heroes. What is needed, then, far more than obedience, is wisdom and discernment, the ability to take the perspective of others and to hear their claims upon us,<sup>13</sup> a willingness to pursue the public good even when that fails to maximize our own personal good.<sup>14</sup> The commitment to the common good is at the heart of democratic citizenship.

So, democracy requires that citizens (1) possess moral agency *and* (2) obey the laws of their own free will. In other words, obedience to the civil order is a necessary part of democratic citizenship, *but that obedience must be in response to the deeper meaning of democracy, not merely to majority rule or the law.* Democratic obedience is more about discernment than compliance.

One of the disturbing things we learned about ourselves from Stanley Milgram’s experiment on obedience was that, in the moral architecture of the U.S., obedience was of higher priority than doing the right thing. Or, more precisely: the right thing to do was to be obedient, even if that meant causing pain and harm, perhaps even death, to innocent individuals. What is clear from looking at videos from the Milgram studies is that the people who were the subjects—the individuals pushing the button to administer what appeared to be painful, potentially lethal, electrical shocks—*knew they were doing wrong.* Their agony as they asked to be released from the experiment shows this quite clearly. However, they continued to push the button “administering shocks” because, though they knew they were doing wrong, they believed that to disobey authority would be more wrong. This is not the moral architecture that democracy requires. Next, we consider the communal and social nature of moral formation.

#### COMMUNITY MEMBERSHIP AS MORAL FORMATION

Individual conscience is always formed in communion with others; human beings are social animals, and our personal sense of right and wrong—our morality—is shaped within the moral architecture of the society in which we are born. This is inevitable, but it is not the end of the story. As we mature, we find there are alternative moral communities available to us: members of one religious tradition discover there are other traditions, including secularity; white supremacists are exposed to notions of racial equality; misogynists are exposed to feminism; and so on. When we encounter these alternative moral architectures, especially when they are systems embodied in individuals we admire, they become options for us.

Personal relationships matter: if the person who embodies a moral architecture different from our own is someone we admire and would like to

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<sup>13</sup> Thomas F. Green, “Public Speech,” *Teachers College Record* 95, no. 3 (1994): 369–88.

<sup>14</sup> John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (New York: The Free Press, 1916).

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emulate, we are more likely to adjust our own moral architecture to accommodate theirs. For example, consider the rather amazing, in retrospect, shift in social acceptance—not mere toleration but real acceptance—of marriage equality. Two generations ago, the settled social consensus was that same-sex relationships were illegitimate—“perversion” was still a common term. A generation later, domestic partnerships were generally accepted, and the line was drawn between domestic partnerships and marriage. Today, marriage equality is settled law, though of course there is still resistance. However, it is now the resistance that is marginalized, not marriage equality. I suspect much of the shift in the moral architecture of the culture is related to the “coming out” phenomenon of the late 20th century: the more friends and family members we discovered were gay, the harder it became to make LGBTQ people “other.”

Moral communities make us individuals, and remake us as we mature and negotiate new identities. Consider the United States Marine Corps, an organization that clearly understands the extent to which morally normative communities reshape an individual into a member. First, they seek to project a public image that will attract (mostly) young men: their long-standing motto is “The few. The proud. The Marines.” Membership must be aspirational. Moreover, this aspect of being aspirational is not trivial: there is a great deal of testing and suffering in the journey to become a Marine. In order to go through such trials, one must think the goal is worthwhile. This reality is shown dramatically in the film *An Officer and a Gentleman*, in which the character played by Richard Geer is willing—indeed, desperate—to meet and pass the tests that are part of training for the Air Wing of the United States Navy.

I am not, it should be noted, pointing to a freedom of radical and rootless individuality: like radical individuals, rooted members still have agency to make reasoned choices about right action. The difference is that in the neoliberal view, membership is a result of individual choice, rather than as constitutive of the individual’s identity. I am arguing that the individual exercises moral agency only as a member of specific moral communities.

The armed forces may thus be seen as paradigms of organizations that are in the business of moral formation and that take that business seriously. There are many such organizations: medical residency is notoriously demanding; working one’s way up in a law firm to partner requires extraordinary productivity. Less acceptable in the broader society, initiation into gangs is often physically painful and demanding of great courage. What all these morally formative communities have in common is that there is a strong moral core, one that is lived at least as much as it is spoken about. The process of earning membership in such a group is intended to, and typically does, entail an inner transformation: members truly are born again.

This sort of membership can be seen to undermine individual agency through a strong form of brain-washing. I think that is a mistake: healthy organizations (and not all morally normative organizations are healthy) value the individual as a member. Freedom, then, is neither radical nor rootless. Rather, membership connects agency to the realization of a common good, to which I

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am freely committed (or I would not be a member of that particular group). Membership and agency are complementary, not mutually exclusive.

But there is a lesson here: if schools in a democratic polity are to be morally formative in any way more substantively democratic than the current neoliberal instrumental rationality, they must have a strong, clear, and attractive moral core, and this morality must be lived, not just expounded. Further, they must function with morally autonomous students who abide by norms, not automatons manipulated by rewards and punishments.<sup>15</sup>

The paradox faced by democratic public schools is that it is difficult to form such clear and powerful substantive norms when the broader society is not itself built on thick moral norms. As society becomes more complex and more diverse, it becomes increasingly difficult to establish such norms. It is this difficulty, and the consequent unavailability of strong democratic norms for use in the moral architecture of public school communities, that causes school administration to fall back on a thin consensus rooted in rules and procedures, and which then opens the door for the colonization of the democratic polity with the instrumental rationality of neoliberal capitalism.

#### TOLERANCE AND DEMOCRATIC LIFE

For far too long, the dominant U.S. culture has been distorted by a lack of tolerance and absence of diversity. Or, to be more precise, an absence of *equality* in the midst of *diversity*, for diversity has always been part of our immigrant culture, the dominant culture has just marginalized it as much as possible. In this situation, a purpose of schools has been to “Americanize” immigrant children rather than to open the culture to alternative visions of a good society. Schools are given the task of wiping out vestiges of the native land of immigrants: language use is suppressed, unorthodox or unfamiliar religious observation is discouraged and disparaged, the dominant religion and language become the official language of the schools, and so on. The message, implicit and often explicit, is that “American” is defined by being exactly *this* way.

As a consequence of, among other things, the civil rights, women’s liberation, and LGBTQ movements, many today recognize that this is neither just nor sustainable: there is no reason why individuals should be penalized for nor afraid of being gay, to take just one example. Despite persistent opposition, there has been a slow and steady movement to greater tolerance for and recognition of diversity over the past several decades. School prayer is no longer constitutional; Title IX has improved the opportunities for women; we are becoming more open to varieties of sexuality and sexual expression; and racism is far less open (if no less widespread) than in the past.<sup>16</sup> All of this is progress,

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<sup>15</sup> Alfie Kohn, *Punished by Rewards: The Trouble with Gold Stars, Incentive Plans, A’s, Praise, and Other Bribes* (Boston: Houghton Mifflin, 1993).

<sup>16</sup> This sentence was written relatively early in the presidential campaign of 2016; subsequent events have revealed this claim to be very naïve. I remain cautiously optimistic on the grounds that, in fact, Hillary Clinton received millions of votes more

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however insufficient. As a social ideal, we have finally recognized that intolerance is corrosive of democratic life: we can no longer systematically marginalize and oppress individuals or groups and call ourselves a democracy.

In recognition of this fact, Teach Tolerance has become not just a goal, but also a school program developed by the southern Poverty Law School to make schools more open and accepting places. PFLAG (Parents and Friends of Lesbian and Gay) has the safe schools network, and GLSEN (Gay, Lesbian, and Straight, Education Network) is similarly devoted to making schools more accepting of sexual minority children (and their families). Ending violations of religious liberty and increasing respect for religious diversity are goals toward which we still struggle. Despite official commitment to eliminate racism, African American students remain underserved by their public schools and victimized by police violence and the criminal justice system. In each of the above areas and others, our society still struggles to achieve more justice and a more robust democracy.

Nevertheless, and despite opposition, there has been an emerging consensus that it is wrong to treat people differently or disparage them because of race, ethnicity, gender, religion, sexual orientation, or sexual expression. These injustices have not been ended, and in many ways they have been institutionalized even as they are formally disavowed.

But we have made toleration an educational goal, and this is a tremendous achievement: we aspire to be better than we are. The paradox is that society is, to the extent that it aspires to accept and expand democratic diversity, at a real disadvantage in establishing a democratic morality, which conceptually requires some commitment to a set of principles constituting a morally normative core. This brings us to the question, when tolerance is viewed as a foundational democratic virtue: *what is the proper response to that which is intolerable?*

#### BOUNDED TOLERANCE AND NECESSITY

The question of how to respond to the intolerable is a serious question for a society that values tolerance. A democracy polity requires tolerance. However, it is also true that too much tolerance—toleration of the intolerable—will destroy a democracy lacking the moral commitments that allow it to defend itself from activities that substantively undermine democracy.

As an example, we can take a brief look at a recent event on the campus of the University of Oklahoma (OU). In 2015, the OU chapter of the Sigma Alpha Epsilon fraternity (SAE) was captured engaging in a violently racist chant in a video that quickly went viral. The university's president, David Boren, responded immediately and viscerally:

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than did Donald Trump. Further, to sustain a veneer of legitimacy, even Trump himself has to pretend to not be a racist and to have “respect” for women. As is now (June 2017) clear, however, the hard-won progress of the last half-century is in danger of being undone.

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To those who have misused their free speech in such a reprehensible way, I have a message for you. You are disgraceful. You have violated all that we stand for. You should not have the privilege of calling yourselves “Sooners.” Real Sooners are not racist. Real Sooners are not bigots. Real Sooners believe in equal opportunity. Real Sooners treat all people with respect. Real Sooners love each other and take care of each other like family members. Effective immediately, all ties and affiliations between this University and the local SAE chapter are hereby severed.<sup>17</sup>

The two leaders of the chant, clearly visible and identifiable on the video, were summarily expelled. I want to make three points regarding this response: (1) it was a clear and powerful example of moral education—a declaration of what it means to be a member of the morally normative community that Boren wants OU to be; (2) it is partly the fact that Boren ignores the student handbook and disciplinary procedures that makes the act morally educative: to have treated this act as a mere routine transgression of stated rules would have made disciplinary action less educative; but (3) it is not the only morally educative response possible.

As to the first point, by expelling the students and disbanding the SAE chapter, Boren suggested he was less interested in reforming the miscreants than in using them for moral instruction: Durkheim<sup>18</sup> theorizes punishment as a process of reaffirming—resanctifying—the broken rule as *that which we just do not do*. In fact, that is what Boren was directly saying in the series of affirmations about “Real Sooners.” These are clearly aspirational and normative rather than descriptive: obviously, some Sooners *are* racist, and they must be distinguished from *real* Sooners, who are not.<sup>19</sup> Boren, in effect, sacrifices the individuals leading the event to the moral instruction of the rest of the campus. His actions declare that their behavior has placed them outside of the boundaries of membership in the normative community. In effect, his actions say something like: “We do not act this way. You have acted this way. Therefore, you are not one of us. Be gone.”

As to the second point—that following procedures would have been less morally educative—it is highly significant that Boren chose to violate the

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<sup>17</sup> K. Query and KFOR-TV, “‘I’d Be Glad If They Left,’ OU Addresses Racist Chant Reportedly Made by Fraternity Members,” *KFOR News*, Mar 9, 2015, <http://kfor.com/2015/03/09/id-be-glad-if-they-left-ou-addresses-racist-chant-reportedly-made-by-fraternity-members/>.

<sup>18</sup> Durkheim, *On Moral Education*.

<sup>19</sup> Readers are asked here to bracket for this essay the fact that *Sooner* is itself a term celebrating the Oklahoman tradition of white supremacy and genocide. Progress in social justice is slow and often paradoxical. One day, we can hope, *real* Sooners will not be “Sooners.”

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handbook and the procedures for student discipline detailed therein. And this goes to the heart of the experience of bounded tolerance: there are some things that are intolerable, and those things must not be tolerated. Tolerance is indeed a virtue, and it is possible to get virtue wrong both by excess and by deficit. That is, we can fail to be as tolerant as we ought—the failure considered in the previous section—but we can also be more tolerant than we ought, a possibility perhaps not given due consideration. Unbounded tolerance—tolerance as a goal in and of itself—becomes both intellectually incoherent and morally empty.

The point here is that some violations of norms are more fundamental than others, and we must mark the difference. We expect certain kinds of violations: they remain unacceptable, but within normal parameters. We do not want a certain level of violence in a society, but we accept it. We do not, however, expect cannibalism. Though the latter might happen, it triggers a very different sort of reaction than even murder. What Boren was performing was his insistence that the SAE violation was not within acceptable parameters: the rules and procedures governing ordinary offenses just would not suffice. *He ritually refused to normalize the intolerable.*

We should note, however, that expulsion is not the only response available, and this is my third point. Restorative justice is an alternative that has recently gained attention primarily in the criminal justice community.<sup>20</sup> Under a regime of restorative justice, the offenders would be confronted within the community by the harm done to the community and its members. If he had chosen this course, Boren’s message would have been different: “We do not act this way. You have acted this way. Nevertheless, you are one of us. Come, repent, and be restored to the community.”

In many ways, this would have been morally more satisfactory: redeeming members of the community might be, all other things being equal, a better course of action than exile. In this case, however, the balance is unclear: the restorative path, while in many ways the better option, would certainly have been less dramatic. On a campus of 30,000 in a town of 120,000, a restorative approach might not have gained as much attention as the public disbanding of the fraternity chapter and expulsion of two students. Also, restorative justice always has a question of standing: it is, generally speaking, an act of the community, not of one individual. That is, retribution can be administered justly by the individual(s) authorized to do so. But forgiveness, the essence of restorative justice, is much more fraught. Who would be authorized to forgive and welcome back into membership on behalf of all those wounded by the racism of the perpetrators? This is a thorny question for another time.

What is needed for tolerance to be a virtue is the same thing that is needed for any potential virtue to be actually virtuous: discernment, judgment,

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<sup>20</sup> John Braithwaite, *Crime, Shame, and Reintegration* (New York: Cambridge University Press, 1989/2007); Daniel W. Van Ness and Karen H. Strong, *Restoring Justice: An Introduction to Restorative Justice*, 5<sup>th</sup> ed. (New York: Routledge, 2014).

wisdom—what the Greeks called *phronesis*. Because we can get this wrong, it is important to focus mindfully on the scope of tolerance we seek to foster.

#### CONCLUSION

I have perhaps sketched a problem here without a solution. I am coming to think that one approach might be to develop smaller schools built on moral foundations and commitments. I am frankly not sure what this would look like, and there are bound to be serious conceptual problems with thinking of public education as a series of morally normative enclaves. For now, let me just frankly say that I do not have a solution, but I think that makes the problem no less real and no less serious.

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