EDUCATION, JUSTICE, AND DISCURSIVE AGENCY: TOWARD AN EDUCATIONALLY RESPONSIVE DISCOURSE ETHICS
Christopher Martin
Faculty of Education
University of British Columbia

Abstract. Jürgen Habermas argues that principles of justice should be decided through rational agreement as opposed to force or coercion. Christopher Martin argues in this essay that the success of such a project presupposes sufficiently developed capacities for discursive agency equally distributed within a diverse public sphere. This epistemic presupposition is not explicitly recognized in Habermas’s current formulation of his theory and as such the theory implicitly excludes the interest that future citizens have in the development of their own capacities for competent deliberative engagement. Martin argues that this omission is serious enough that Habermas’s principle of universalization (U) should be modified, and he articulates this modification in terms of a prohibition against “developmental coercion.” Martin concludes by elaborating on the concept of developmental coercion, and he points to the implications of this addition to discourse ethics for the institutionalization of deliberative democracy.

Habermasians are interested in how citizens should deliberate when they are motivated to resolve disputes about principles of justice through rational agreement as opposed to force or coercion. Essential here are communicative conditions of symmetry, reciprocity, and inclusion in which each citizen must be afforded equal opportunity to give and receive reasons in public discourse regarding the rightness or wrongness of the principle under consideration.1 These communicative conditions, when satisfied, ensure that shared convictions about what is just are constructed through the inclusive participation of diverse cultural, economic, and ethical perspectives. Principles of justice therefore attain validity and motivating force only by representing “the better argument” in the eyes of all affected by their observance.

The uniqueness of Habermas’s theory of justice is its participatory dimension. In discourse theory procedural norms of public deliberation are not inferred from the moral capacities of deliberators in a manner similar to John Rawls. Such procedures are presupposed by any first-person reason givers who has the discursive agency required in order to properly represent his or her own interests and to take seriously the interests of others. For example, when I claim that the state ought not to allocate educational goods in particular manner, I presuppose that other citizens should have equal opportunity to assess my reasoning and contest my claim. This social epistemic conception of justice is aimed at ensuring that substantive agreements mirror what it means to say that a norm is just. When

1. “Reasons … are not adequately described as dispositions to have opinions, rather, they are the currency used in a discursive exchange that redeems criticizable validity claims.” Jürgen Habermas, Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy, trans. William Rehg (Cambridge, MA: MIT Press, 1996), 35.
one sincerely claims that all persons have an equal interest in the observance of a principle of justice, one presupposes that such a principle could be justified to all affected. But the redemption of that belief can only happen in real discourses in which communicative conditions are satisfied.

One major implication of the participatory dimension is that inclusion, so understood, can never be merely hypothetical. It is not sufficient for some citizens to speculate on the justificatory merits of a principle in the eyes of other citizens, nor can one simply appeal to a moral thought experiment like the veil of ignorance. Rather, proposed norms must be tested against actual other participants with differing perspectives who each recognize the participatory rights of all others. Accordingly, citizens in conditions of political, economic, or other forms of disempowerment should be included in justification, not on moral grounds or for mere political stability, but because a just community has less reason to feel secure regarding the epistemic worth of a principle of justice when such groups are denied their discursive right to participation.

The focus of my essay is to develop a fuller account of what is required, procedurally, by a discursive right of participation. I believe that this right presupposes sufficiently developed capacities for discursive agency equally distributed within a diverse public sphere. To be clear, what I mean is that the claim that all citizens should have an equal opportunity to develop their capacity for discursive agency is not simply a substantive norm of justice to be debated within the discourse ethic; rather, such a condition is an epistemic requirement for a society motivated to justify norms or principles of justice. This epistemic presupposition is not explicitly recognized in Habermas’s current formulation of his theory, and as such it implicitly excludes the interest that future citizens have in the development of their own capacity for competent deliberative engagement.

2. Habermas is well aware of the potential challenges that the idealizing nature of his deliberative procedure poses for actual participants and has revised his position accordingly. For example, he has modified his universalization principle (U) in light of criticisms set out by Klaus Günther in The Sense of Appropriateness: Application Discourses in Law and Morality (Albany: State University of New York Press, 1988). More recently, Habermas has acknowledged the unequal justificatory burden placed on religious citizens who are asked to translate their arguments into the language of public reason. See Jürgen Habermas, “Religion in the Public Sphere,” European Journal of Philosophy 14, no. 1 (2006): 1–25. However, I claim that the educational dimension of discourse ethics — such as how participants come to be able to justify norms and the implications of an uneven distribution of justificatory ability in the public sphere — is neglected by Habermas and, further, that this omission is serious enough to require a revision of his ethic.

3. As Habermas states in his universalization principle (U), “just those norms deserve to be valid that could meet with the approval of those potentially affected, insofar as the latter participate in rational discourses” (Between Facts and Norms, 127). See also Christopher McMahon, “Discourse and Morality,” Ethics 110, no. 3 (2000): 514–536.

CHRISTOPHER MARTIN is Assistant Professor on the Faculty of Education at the University of British Columbia, EME 3115–1137 Alumni Ave., Kelowna, BC Canada V1V 1V7; e-mail <christopher.martin@ubc.ca>. His primary areas of scholarship include philosophy of education, political philosophy, and moral education.
Without such deliberative capacities their ability to articulate and defend their own particular interests is imperiled as well. I therefore propose and defend a revision to Habermas’s discourse ethics that is more responsive to issues of educational justice.

The essay is divided into two parts. In part I, “The Concept of Education in the Public Sphere,” I offer a brief reconstruction of the philosopher R. S. Peters’s conceptual analysis of education. I focus on Peters for two reasons. First, I read Peters’s project as an early attempt to clarify the place of education in the context of public sphere argumentation. Second, Peters’s procedural account of moral justification can be understood as a precursor to, and influence on, Habermas’s own discursive rules of argumentation. I see Peters’s analysis as prefiguring much of what is missing in Habermas’s own theory and so a reconstruction is essential to my own account.

In part II, “Toward an Educationally Responsive Discourse Ethics,” I show that the educational issues that motivate Peters’s analysis apply to discourse ethics. I argue that these issues are serious enough that Habermas’s principle of universalization (U) should be modified in order to better account for the interests of future citizens. I articulate this modification in terms of a prohibition against “developmental coercion” alongside forms of discursive coercion already identified by Habermas. I conclude by elaborating on the concept of developmental coercion, distinguishing it from other forms of coercion, and I point to the implications of this addition to discourse ethics for the institutionalization of deliberative democracy.

I. The Concept of Education in the Public Sphere

What is the place of education in a deliberative public sphere? In what follows I interpret the philosopher of education R. S. Peters’s conceptual analysis of education as an effort to answer this question. Peters’s analysis reveals a need for a more serious treatment of educational themes in deliberative ethics generally and as such extends to Habermas’s own account.

Is Normative Debate about Education Aimed at Conceptual Truth or Democratic Agreement?

R. S. Peters attempts to identify logical presuppositions made by anyone engaged in public deliberation about education. More specifically, he claims that anyone who uses the term “education” must be referring the development of minds though rational understanding, the broadening a person’s intellectual horizons, and care for the value of knowledge itself. On this view, to say that an educational

policy should promote civic conformity, for example, would not be an educational policy at all.

Taken together, these presuppositions are seen to constitute a concept of education.\(^5\) In reading Peters’s work from a Habermasian point of view, one clearly gets the sense that he is making an (implicit) call for communicative action about the place of education in the public sphere.\(^6\) Recall that for Habermas the communicative use of language requires that speakers and actors presuppose, for pragmatic reasons, that linguistic expressions are used with the same meaning even if this is not true as a matter of empirical fact.\(^7\) For example, when some deliberants talk about education, they mean human capital, while others may mean the cultivation of moral character. These differences signal the need for critical discourse on the norms and values underlying those linguistic expressions.

When Peters argues for greater conceptual clarity regarding the use of the term “education,” one may therefore interpret him as pointing to a need for communicative action about the nature and scope of education in an increasingly complex society. From the perspective of the public sphere, confusion about the meaning of education makes it difficult to determine just what would be required for a normative claim about education to be supported through reasons. For example, if the term “education” does not mean economic development, it follows that citizens should not be justifying educational policies and practices by reference to those developments. According to Peters, the meaning of the term “education” must therefore be settled before deliberants can justify normative claims about education. Without public criteria/principles/warrants stipulating what counts as educationally meaningful reason, citizens do not know what the normative stakes are when they disagree on educational matters because such deliberants are uncertain whether education is about improving the economic well-being of the community,

---


\(^6\) While Peters does not spend much time tracing the implications of this problem for the public sphere, one can draw them out more or less straightforwardly. He was writing at a time when “education,” which historically had a very broad meaning, was being differentiated within different value spheres and specialist disciplinary traditions, for example, within economic and sociological discourses and as the focus of labor and health care policy. Education was effectively being reconceptualized and pluralized in the public sphere, the consequence of which was seemingly endless debate as citizens of a culturally and linguistically diverse society encounter one another with radically different uses of the term. As Peters puts it, “[i]n all the hubbub about plant, supply of teachers, shortage of provision ... too little attention is being paid to what it is that so many are deemed to be without.... To get clearer about the concept of ‘education’, then, is an urgent necessity at the present time” (*Education as Initiation*, 11).

\(^7\) Habermas, *Between Facts and Norms*, 19.
or the democratic character of citizens, or personal autonomy, or some ordinal ranking of all three. In other words, the very act of reason giving without sufficient understanding of the criteria that makes something “educational” [or as Peters would put it, without conceptual clarity about education] leads deliberators to, in his words, “omit some essential features.”

Peters’s talk of “essentials” might lead one to think that his notion of “communicative action” is aimed at revealing a Platonic concept of education, which would be quite different from the more contemporary Habermasian account. The former would see the normative structure of education as being “out there” for deliberants to find; the latter would see this normative structure as something to be constructed by deliberators respecting appropriately conceived rules of rational argumentation. Yet, Peters is not always clear or consistent about what it would mean to have clarity about the concept of education. On the one hand, Peters does not see the constituents of a public sphere seeking truths about education as if educational claims were part of some objective reality that transcends all contexts. On the other hand, they are not democratically agreeing on a concept of education via a procedurally just and ever-inclusive learning process — what Habermas calls a constructivist conception of moral validity. Oddly enough, for Peters a procedurally just community could agree on an educational policy and yet still be mistaken in the sense that what they are agreeing about isn’t “really” education at all.

It appears that, for Peters, public reason giving has neither a wholly truth-tracking nor a wholly constructive function in resolving educational questions. No greater example of this ambiguity can be found than in his Ethics and Education. In the latter half of the book Peters develops and defends a kind of proto–discourse ethical account of moral justification, one defined by moral rules such as reciprocity, mutual respect, and equality of participation. Yet in the first half he advances a concept of education informed by purported logical conditions that any citizen must be committed to when they give reasons about educational policy and practice. This objective “logic” of education is constituted through the now infamous criteria that Peters claims to have uncovered through his ordinary language-use analysis of the term. For example, he argues that when a person claims that an activity is educational, they must mean that something of value is being passed on to the learner.

Is there some coherent middle ground between truth-tracking and constructive validity? I read Peters’s drive for a predeliberative “logic of education” as an attempt to guide public reasoning about education onto firmer territory — to

---

8. Peters, Education as Initiation, 10.
11. Peters, Education as Initiation, 12.
12. Ibid., 14–15.
account for why an ethically deliberating public should always see education as being more than a mere means to social, political, or economic goals. While citizens may disagree on substantive issues in the educational domain — over curriculum, teaching methods, and so on — Peters’s analytic approach is supposed to show that a deliberant’s speech act (“I am educating”; “This ought to be educational”) entails an implicit commitment to logical criteria necessary in order for educational discourse to have meaning and purpose. On this view, a conceptually confused public sphere is understood to be neither misrepresenting an objective world nor constructing educational agreements in a procedurally unjust manner. Instead, it is engaged in a kind of collective category mistake as citizens make competing claims about “education” without being aware of their own logical presuppositions. The result is directionless debates that don’t get the speakers very far. In short, Peters is arguing that normative claims about education entail a language game distinct from social policy and one that deliberating citizens need to explicitly understand if they are to have any hope of arriving at meaningful agreement on substantive educational issues. But once participants know that to be educated must logically mean, for example, the promotion of breadth of understanding, curricular debates become much easier to navigate.13

**Education as a Problem of Practical Reason**

What justification could Peters have for seeing education in this distinctive way? The answer points to something of serious consequence for Habermas’s discourse ethics. I see Peters as trying to solve a particular kind of problem for the deliberative public sphere, one that Christine Korsgaard has termed a “problem of practical reason.”14 For Korsgaard, a problem of practical reason is a situation in which citizens are under pressure to justify their principles but lack the relevant norms of practical reasoning.15 In other words, they are unable to determine what counts as a relevant reason for the particular situation in question.

13. One might object that what Peters is offering is an arbitrarily restrictive conception of education. This may well be the case, and this was certainly the view of many of his critics. However, it is important to note that Peters does not see his analysis in this way because he thought that conceptual analysis reveals criteria that are necessarily presupposed by anyone who uses the term “education.” It is this purported necessity that makes his conception nonarbitrary. That said, it is not my intention to defend the cogency of his analysis but to show how that analysis was informed by a certain ambiguity regarding the place of education in the discursive public sphere. See also Krassimir Stojanov, “Social Justice and Education as Discursive Initiation,” in this issue.


15. Korsgaard argues that problems of practical reason for Kant and Rawls “have the same structure. In both cases what we are looking for is principles themselves, for we need reasons, ways of choosing and justifying our actions or our policies, and reasons are derived from principles. Yet the very structure of the situation seems to forbid us to choose any particular principles. The liberal’s need to avoid compromising the freedom of the citizens by forcing a particular conception of the good on them parallels the free will’s need to avoid adopting a principle that will compromise its own freedom. In each case, it looks as if the choice of any particular principle will represent an act of arbitrary power. In Rawls’s 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
For example, Korsgaard claims that the principles of justification constructed by Kant and Rawls can be credibly viewed as attempts to work out norms of practical reasoning for their respective philosophical projects. Kant’s moral principle (the Categorical Imperative) offers a norm of practical reason for agents viewed as free and equal and where the agent’s rule of action cannot rely on the power or authority of others. Rawls’s principle of justice, meanwhile, offers a norm of practical reason for citizens making decisions about the fair distribution of freedoms and goods in a diverse society but where “fairness” cannot be anchored in any one cultural point of view. Korsgaard does not refer to Habermas in her account. Nonetheless, we can easily recognize his project of discourse ethics as a response to a similar problematic.

I believe that Peters’s analysis is motivated by the fact that he sees education as a problem of practical reasoning. Why? Much turns on the relationship between educational norms and modern society. In tradition-directed societies our practical reasoning about socialization and development were, as Peters pointed out, grounded in the continuation of family life. In a society where everyone shares the same values, demanding a justification of socialization practices would come across as odd because such a demand presupposes that the society in question could “choose otherwise.” But for traditional societies such values are the only game in town — from the standpoint of that society, such values are not merely constitutive of, but necessary for, the possibility of “society” itself. Where else would, say, a long-isolated village look for those alternative values that the demand for justification presupposes are out there to be found?

Modernization shifts practical reasoning about socialization to uncertain ground. “Community” now becomes “communities.” The preservation of one’s community of origin is no longer a self-evident foundation for the justification of socialization practices. Individuals can choose otherwise, at least in principle. This 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” (“Realism and Constructivism in Twentieth-Century Moral Philosophy,” 114).

16. Ibid., 114.

17. Korsgaard also defends the place and purpose of transcendental argument in deriving the “relevant standard.” I here point to Habermas’s and Peters’s own appeal to transcendental arguments as exegetical evidence that they are working within the same problematic. Going into detail here isn’t appropriate, but see Martin, Education in a Post-Metaphysical World, 111–120.

18. See Jürgen Habermas, “A Genealogical Analysis of the Cognitive Content of Morality,” in The Inclusion of the Other: Studies in Political Theory, ed. and trans. Ciaran P. Cronin and Pablo De Greiff (Cambridge, MA: MIT Press, 1998). Here, Habermas states that “the discourse principle provides an answer to the predicament in which the members of any community find themselves when, in making a transition to a modern, pluralistic society, they find themselves faced with the moral 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” (39).

historical development places new justificatory pressure on society to account for its own practices of socialization. What modes of experience, what values, what kinds of knowledge and understanding should take priority among all the various approaches circulating in the public sphere? Peters’s central intuition is that this justification should not point to collective interests (again, economic interests or social stability). It is to be directed, as a matter of moral principle, to the persons to be shaped and changed. A society should be able to explain to those persons why activities are worthwhile. And therein lies the difference between “socialization” and “education,” for the latter specifies what is worthwhile for all persons on the basis of good reasons. Public justification now becomes the modernizing bridge between socialization and education.20

Herein lies the problem: the primary addressees of educational justification are unable to respond in kind. While future citizens are most affected by educational norms, they have yet to develop the capacities necessary to assess the consequences of such norms for their own future interests. Consider this problem from the standpoint of a Habermasian public sphere: the question of what public traditions, norms of development, or initiation could meet with the satisfaction of future members is left for the current membership to decide. A just society must have educational processes, and yet it must also have good reasons for these educational processes if it is to avoid arbitrarily restricting the development of future persons. Good reasons are derived from principles, and so the current membership must choose a principle for deciding. But it seems as if any particular principle will represent an act of arbitrary power by society over future citizens because such citizens have no real say in their own education. It looks as if future citizens, by having had educational principles imposed upon them, may have their own developmental possibilities arbitrarily restricted from the start. The standard norms of practical reason available to a public sphere — deliberative engagement, equal opportunity to speak, consent — cannot help because they presuppose a deliberative agency that just isn’t there. Accordingly, the justification of educational policies and practices is a problem of practical reason in Korsgaard’s sense of the term.

Peters’s solution is to point to a concept of education that can guide such reasoning. Recall that Peters’s conceptual analysis reveals a so-called “logic” of education specifying three necessary and sufficient criteria that a policy must satisfy if it is to be deemed educational. I casually set these out above but state them more precisely here: (1) that what is being passed on to the learner is worthwhile, (2) that the learner knows and cares for what is being passed on, and (3) that the learner is exposed to a variety of worthwhile activities having

20. As Peters states, “all education can be regarded as a form of ‘socialization’ in so far as it involves initiation into public traditions which are articulated in language and forms of the thought. But this description is too general in that it fails to mark out the difference between education and other forms of socialization” (Education as Initiation, 13).
sufficient breadth and depth with the effect of promoting an “enhanced cognitive perspective” in the learner.

In claiming that the “true” meaning of education is embedded in the very structure of language use, Peters can address a serious shortcoming in the constructivism of his moral and political theory: that future citizens cannot participate in the construction of norms of socialization that affect them. The logic of education does this by “speaking for” citizens-to-be who cannot represent their interests in public discourse. Whatever we believe society should initiate future citizens into must be checked against Peters’s three logical criteria — they are the “relevant standards” of practical reason. This also puts us in a better position to understand the ambiguity of public discourse in Peters’s larger work: a public sphere justifying norms of educational policy and practice through reference to economic growth or social stability is mistaken, not because it is ignorant of a Platonic concept of education, but because it is working from the wrong educational criteria/norms of practical reasoning about education.21 A public sphere made aware of the logical presuppositions of educational discourse can avoid this mistake. They know, for example, that a national curriculum that could only be justified on economic grounds would fail to meet such criteria and could not be justified to future citizens.

II. Toward an Educationally Responsive Discourse Ethics

In the first section I offered a reconstruction of R. S. Peters’s analysis of education in order make a preliminary case for the public sphere’s inability to resolve questions of educational justice through the standard account of deliberative norms (that is, equality of participation, truthfulness, and so on). In this section I show how this problem is much more far-reaching in its implications for public reasoning about justice, warranting a modification to Habermas’s own theory.

Discursive Agency and Discourse Ethics

Recall that Peters’s concept of education aims to distinguish deliberation about education from deliberation about more general questions of justice. Is this a cogent distinction? When the public sphere is engaged in critical reflection on norms and values, it should do so from the perspective of all persons, including future citizens. Why, then, should only those norms that directly affect the development of future citizens, such as the aims and purposes of schooling, be assessed for their educational implications and not also those norms that, though they may have equally important consequences for the developing person, socialize indirectly? Individuals are formed not only though the observance of directive norms — curricular norms, child-rearing practices, and educational institutions — but also indirectly through norms whose general observance will have consequences for the kinds of persons they are likely to become. A theory of justice responsive to

21. Ibid., 45.
educational issues should be able to account for both. The problem of practical reason is, in this sense, not merely how to justify “education” in the directive sense of the term: society also faces the problem of how to justify to future citizens norms of action that, when observed by society as whole, have indirect consequences for human development and cultivation.

For example, the educational value of autonomy is often justified in terms of an educational aim. This makes sense because if autonomy is desirable, we should do what we can to promote it in others. But this should not be taken to mean that educational justifications are limited to actions that we can direct at others. If autonomy is an educational value — a direction that our development should take as we transition to adulthood — a just society should be as wary of norms that undermine that promotion indirectly as those that would undermine it directly.

Consider the case of the autonomous person who, other than having developed their capacity for an autonomous state, was not served well in their socialization. They have acquired many habits that undermine their flourishing and they recognize this. They can, in a positive way, take responsibility for such formation and direct effort and resources at mitigating the undesired effects of such socialization so that they can choose otherwise. This is part of what it means to be autonomous in the familiar liberal sense of the term. But there is a sense here in which autonomy as an aim of education — of an educated person who can assess what contingency had made them out to be and who can resolve to determine for himself or herself who they want to become — is a remedial one, designed in part to empower us to remedy those patterns of socialization that, by our lights, have unduly restricted our freedom. Autonomy as an aim of education is therefore focused on justifying the cultivation of an *individual’s* capacity to act on the basis of his or her own reasons despite this individual’s upbringing.

But there is something odd in the view that cultivating autonomy through a person’s individual capacities alone is sufficient to counteract those social forces that shape us in directions we would, in hindsight, rather not have gone. As communitarians have been right to point out (even if they have wrongly inflated this insight into a political ethic), we can never fully put our socialization behind us — society’s norms are an inextricable part of our personhood and our life history. If personal autonomy is something that each and every citizen should achieve, it therefore should be understood as a *social, as well as individual*, educational value, as something that can critically inform the justification of the broader norms that define a just society and not only those norms warranting what one ought or ought not teach. Some social norms are going to do a better job of supporting autonomy over a life than are others. This fact should matter when a deliberative public sphere critically assesses the rational acceptability of any proposed norm.

So while the educational value of autonomy is a warrant for individual aims of education, it can also serve a critical function in assessing the indirect effects of broader social norms for the formation of autonomy. For example, consider the argument that the consumerist social norms of late modernity, not the teaching
of religious traditions, pose a greater threat to personal autonomy.\textsuperscript{22} One could conclude, on autonomy grounds, that teachers should devote time and resources to helping children resist consumerist messaging and/or that corporate influence should be removed from the school environment. This is simply to say that the value of autonomy is strong enough that teachers should make this a point of emphasis (that is, an aim) in their teaching.

But the educational value of autonomy is not exhausted by this conclusion. First, if consumerist norms are bad for the promotion of personal autonomy, there is no prima facie reason why the public sphere could not agree that society has an obligation to place restrictions on their observance in a variety of relevant contexts, given the indirect influence such norms have on the autonomy of developing citizens. Second, if consumerist norms are harmful to the autonomy of developing citizens, it is not unreasonable to suppose that such norms continue to exert harmful effects on the autonomy of adult citizens. Citizens-to-be may have an interest in the educational support of autonomy after receiving a more directive and autonomy-promoting education in childhood. In such instances personal autonomy should be recognized as a social aim of education. Liberal democratic institutions should observe social norms that make it easier for developing and adult citizens alike to lead autonomous lives, or at least they should mitigate the effects of norms such as consumerism that exert an autonomy-suppressing influence on citizens. In a situation in which a society must choose between indirect autonomy norm A, which is more likely to support autonomy over a lifetime, and directive autonomy norm B, which is not, I see no reason why the directedness of either norm is a relevant consideration in deciding which norm should be incorporated within society’s overall normative organization.\textsuperscript{23} In a debate over how society ought to promote autonomy, all things being equal, the choice of autonomy norm A over autonomy norm B looks like the one that could be supported by the better argument.

Future citizens have educational interests that bridge across directive and nondirective norms of action, and so the problem of practical reason should be reconceived as a more general problem for deliberative ethics: how should the membership of a public justify their norms in a way that includes an assessment of the direct and indirect effects of such norms for the identities and capacities of future citizens who themselves cannot participate?

Habermas’s deliberative ethic makes a worthy, if not decisive, contribution. Discourse ethics specifies rules of argumentation presupposed by anyone


\textsuperscript{23} Imagine, for example, that autonomy norm A obligated greater funding for public broadcasters, which has the side-effect of increasing the overall quality of political discourse, and that autonomy norm B obligated directive civic education for all children.
motivated to arrive at a nonarbitrary agreement on basic norms of justice. As Scott Johnston and Walter Okshhevsky outline in their contributions to this issue, Habermas appeals to these rules in order to make explicit the epistemic criteria by which a public sphere can assess the quality of a norm’s justification. For example, if social groups affected by the general observance of a norm are not included in the justification procedure, we have good grounds for claiming that the norm is of low justificatory quality. These rules of argumentation inform Habermas’s universalization principle — a formal procedural principle that purports to set out necessary justificatory conditions that citizens must abide by. This principle is stated as follows:

- “(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.”

The U principle is able to account for the “side effects” of our social norms because citizens are required to consider them in assessing the validity of such norms. So it would seem that Habermas’s procedure is able to account for both indirect and direct senses of educational justice. However, recall the participatory dimension of the discourse ethic. Habermas derives this principle based on idealizations about the discursive agency of those affected, that is, each individual’s motivation and capacity to play the game of reason giving. For example, the ability of individuals to represent their own interests requires that they should ideally understand their own needs and interests. Further, they must have a sufficiently developed capacity to be moved by good reasons. To be fair, it is unrealistic to require people to consistently meet this ideal as a condition for participation; however, the closer participants can approximate these ideals in discourse, the closer they come to fulfilling the demands of U, and so the higher the justificatory quality of the norm that results.

Initially, this does not seem like much of a problem for Habermas. On his account anyone who is raised with basic moral respect in a linguistic community has acquired an “intuitive” sense of what it means to argue and what it means to give and take reasons. But note the move away from education and back to socialization. In the context of his discourse ethical theory, at least, Habermas is


relatively agnostic about the kind of socialization one should experience so long as all individuals are treated with basic moral respect. I suspect that this is in part because Habermas is concerned that, if his account of socialization is normatively substantive, he will be open to the charge that his theory is arbitrarily imposing a conception of the good. If there is a bridge between socialization and education in Habermas’s theory of justice, that bridge is a very short one.28

I believe that Habermas’s undertheorization of education represents a core problem for the discourse ethic. In steering discourse ethics away from any normative educational commitments, Habermas overreaches, omitting a theme of fundamental importance for any just community. For even if all developing persons in a community are treated with basic moral respect, some of those individuals are going to be better able to understand their own interests, to be receptive to reasons, and to argue than are others.29 Of course, one could claim that an uneven distribution of talents and capacities within a community is “natural.”30 But from the standpoint of justice this won’t do. When someone claims that a norm is well justified, they don’t mean that the norm is the outcome of a deliberation in which the [contingently] articulate, insightful, and argumentatively skillful win. If moral norms simply expressed or represented the interests of “naturally” talented moral deliberators, we would have no reason to rationally assent to such norms. Just as a well-justified norm does not arbitrarily favor the interests of the most powerful, culturally dominant, or wealthy, nor should a well-justified norm arbitrarily favor the perspective of those lucky enough to be born with the capacities and opportunities that enable them to be forceful arguers.

Therefore, Habermas’s account of discourse ethics suffers from a problem of similar scope to Peters’s: how do deliberants justify norms and principles of justice in a world when those affected by the norms may lack the capacities necessary for participation in that justification? To be sure, in an idealized public sphere we could just assume that everyone can argue well and everyone understands his or her interests. But Habermas’s discourse ethic does not work in this way — the participants are not ideal persons but actual citizens who may be better or worse at

---

28. Recent developments in the Frankfurt School tradition suggest that education is beginning to be taken more seriously as a constitutive feature of a just society. See, for example, Axel Honneth, “Education and the Democratic Public Sphere: A Neglected Chapter of Political Philosophy,” in Recognition and Freedom: Axel Honneth’s Political Thought (Boston, MA: Brill, 2015), 17–32.

29. If it were the case that Habermas viewed the value of public deliberation in terms of its “truth-tracking” function in the sense that some other deliberative democrats do, it would not much matter that there are inequalities with respect to deliberants’ ability to argue because on this view the rightness of moral claims are agent-independent. However, Habermas’s conception of moral validity is constructive in the sense that the epistemic quality of a norm depends on the participation of all affected. For a critique of Habermas’s conception of moral validity from a realist standpoint, see Christina Lafont, “Moral Objectivity and Reasonable Agreement: Can Realism Be Reconciled with Kantian Constructivism?” Ratio Juris 17, no. 1 (2004): 27–51.

30. Habermas himself refers to these as “accidental inequalities in the distribution of individual abilities” (Between Facts and Norms, 325).
public reasoning. Therefore a procedural ethic should explain how future members of that sphere have an equal opportunity to learn to argue well and, further, should ensure that mature citizens have some measure of epistemic success in anticipating the needs and interests of future citizens who are only learning to argue. But as far as I can tell there isn’t anything in Habermas’s references to "socialization" that suggests that he has such considerations in view.

This is why there is a need to reconstruct discourse ethics in order to make it more responsive to the educational interests of future citizens. Take, as but one example, the following rule of argumentation identified by Habermas: that nobody who could make a relevant contribution may be excluded. For Habermas, the inclusion rule is an epistemic necessity. A norm of justice viewed as valid by the majority of a public sphere but whose justification excluded those who could make a contribution lacks moral validity. It is always possible that the excluded groups have a perspective or moral insight that trumps the norm.

However, there is a tendency to give these rules a classic liberal reading, understanding them primarily in terms of negative freedom. It is certainly the case that citizens ought not prevent others from participating in discourse. This negative reading can play an important critical function in assessing the openness of democratic institutions. But such rules can and should be revised in order to fully express the idea of epistemic inclusion in terms of positive freedom, that is, the capacities and abilities one must acquire if one is to be able to make a relevant contribution. How we acquire discursive agency and the way society structures opportunities to acquire such discursive agency matter for the epistemic quality of a norm’s justification. An inclusion rule that makes clear the meaning of epistemic inclusion in both senses should therefore be stated as follows:

- That nobody who could make a relevant contribution may be excluded, nor should anyone be prevented from developing the capacities and abilities necessary and sufficient for making a relevant contribution.

Habermas’s egalitarian rule of argumentation can be similarly clarified:

- That all participants are granted an equal opportunity to make contributions and that all are granted an equal opportunity to develop the capacities necessary and sufficient for making contributions.

The bridge from socialization to education takes on greater significance once discursive agency is treated as a condition of epistemic inclusion. It now matters what kind of socialization future citizens receive and it matters how egalitarian that socialization is. Anyone who argues presupposes epistemic rights of participation that apply to all citizens. These rights of participation rule out policies and practices that undermine the developing capacities of future citizens to participate in dialogue.

Since we are talking about a particular kind of agency and the development of capacities necessary for that agency, does it follow that the revised rules of
argumentation arbitrarily impose a particular conception of the good on deliberants, a concern that I believe motivates Habermas's undertheorization of education? I do not believe so. My proposed rules of argumentation do not introduce a particular normative conception of education in the way of Peters; rather, they simply identify the epistemic conditions necessary for a norm to have moral validity. As these conditions are the only way in which norms can be established without coercion, nothing is being arbitrarily imposed on deliberants. To put this in Habermasian terms, anyone who argues about norms to be accepted and observed by all persons pragmatically presupposes that all persons have the deliberative agency necessary for competent deliberation about such norms. Similarly, anyone in the public sphere who asks for a justification for these widened rules of argument presupposes a public sphere with the deliberative capacities necessary for answering the question. For example, anyone who asks for a justification for why it is epistemically necessary that everyone should have equal opportunity to develop a capacity for discursive agency presupposes that everyone should have equal opportunity to develop a capacity for discursive agency, for otherwise they would not have the capacity to ask the public sphere for this justification and they would have no reason to expect the public sphere to be able to generate a good answer. Equal opportunity to develop and exercise discursive agency is therefore necessary for a society that is motivated to arrive at rational agreement irrespective of one's conception of the good; without such equal opportunity, norms of action would reflect the ideas of social groups that just happen to have a greater share of capable discursive agents.

**Discourse Ethics and Developmental Coercion**

I have argued that Habermas's deliberative norms, or rules of argumentation, should be expanded in order to better express the participatory dimension of the discourse ethical project, that is, to emphasize the idea that deliberants should be empowered, and not merely permitted, to participate in the justification of moral norms. This expansion in turn has implications for Habermas's universalization principle because rules of argumentation are used in its derivation. I therefore propose the following revision to U:

- \( (U) \) 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 external, internal, or *developmental coercion*.\(^{31}\)

---

\(^{31}\) I see internal coercion as an inability of the deliberant to articulate their interests *in the present discourse*, while developmental coercion refers to norms that undermine future deliberants' capacity to participate in dialogue in the long term. The former could be akin to what Miranda Fricker calls hermeneutical epistemic injustice, while the later would refer to norms that *bring about* conditions promoting hermeneutical injustice in the future. Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford: Oxford University Press, 2007). For more on this point, see Stojanov, “Social Justice and Education as Discursive Initiation,” in this issue.
What is developmental coercion and how should deliberants understand it? The term “developmental coercion” reflects the idea that a norm of justice is poorly justified when its general observance undermines future citizen’s deliberative agency. On this view, a norm has low epistemic quality is if its observance would prevent some or all future citizens from becoming the kind of persons who could fully participate in discourse and as such co-construct valid and applicable policies into the future.32

Present deliberants should be concerned that a norm may persevere into the future merely because the observance of that norm leads future citizens to lack the capacity to sufficiently reassess and revise that norm if and when such revision is warranted. Examples could include norms promoting indoctrination, political norms that deny equal opportunities to develop the knowledge and skills to engage effectively in the political process, or anti-intellectual cultural norms. These norms distort the epistemic equality of the public sphere in the long term because their observance suppresses the deliberative capacities of the society within which those norms operate. To coerce developmentally, then, is to secure agreements on what is just and fair by suppressing the epistemic influence that citizens-to-be could exert on the justification of those norms were they able to participate. Such agreements should be seen as an epistemic failure from the standpoint of justice. Norms arising through developmental coercion may appear just from the standpoint of adults arguing about present interests, but from a long-term point of view such norms are unjust because their observance makes it harder for future citizens to rationally scrutinize them. In other words, such norms may persist into the future, not because of their convincing force, but merely because of the dampening effects their observance has on the deliberative capacities of future citizens.

The developmental coercion condition is distinct from the kinds of coercion that serve as Habermas’s focus. For example, discourse ethics’ prohibition against external coercion reflects the argumentation rule that citizens should be free to take a “yes” or “no” position on a norm without threat of physical harm. My proposed prohibition against developmental coercion works similarly. Consider the expanded equality of opportunity rule, discussed above. It would not make sense to call a norm “just” when its observance will reduce the public’s capacity to meaningfully agree or disagree into the future. Future citizens must also be free, in both the negative and positive sense, to take a “yes” or “no” stance on norms.

One might object that it is not appropriate to take such coercion into consideration in the deliberative ethic. Threats intimidate other participants from participating in rational discourse and as such undermine the epistemic quality of the discussion. But policies that deny the educational supports of discursive agency are part of a larger complement of possible social goals that any deliberant may propose or reject based on their merits. Accordingly, the development of discursive agency is not really an epistemic problem but a political one.

32. I would like to thank Chris Higgins for encouraging me to clarify this point.
However, I argue that to see discursive agency in this way is to miss its epistemic point. The fact that some speech acts coerce immediately while other speech acts may take a longer time for their coercive effects to work on the public sphere is arbitrary from a justificatory point of view. Just as it would be epistemically wrong to threaten other deliberants in the here and now in order to secure agreement, so too would it be wrong to suppress the discursive agency of participants in order to maintain that agreement into the future. In its epistemic meaning, developmental coercion requires mature deliberants to reject arguments that favor social norms reasonably foreseen to have unreasonably harmful side effects and consequences for the discursive agency of future citizens. Arguments favoring such norms are contradictory, I believe, because deliberants who argue along these lines are relying on the educational opportunities that empower the discourse community to give and take reasons about the norm in question in the first place while at the same time arguing in favor of a norm that would disempower future citizens. Such deliberants are guilty of what Habermas and other discourse ethicists call a “performative contradiction,” wherein the content of a speech act contradicts the presupposition underlying it. In this case, the deliberant presupposes his or her own epistemic inclusion while arguing for the epistemic exclusion of others.

The concept of developmental coercion is aimed at ensuring that deliberators give due consideration to the implications of any proposed norm for the discursive agency of future deliberants. Part of the epistemic quality of a norm of justice depends on the extent to which that norm has been checked against its potential (direct or indirect) effects on that discursive agency. In this respect a revised U serves as an answer to the problem of practical reason: the justification of norms of action can consider those affected who may lack the capacities necessary for participation in that justification by virtue of the epistemic requirement that deliberators consider the side effects and consequences of the general observance of those norms for future citizen’s discursive agency.

**Developmental Coercion and Institutional Norms**

The prohibition against what I have termed “developmental coercion” has implications for how principles of justice should be institutionalized in the public sphere. Note that for Habermas moral norms arising from the discourse ethic are not narrowly “moral” in the private and negative sense often attributed to the liberal tradition. Moral norms do not only stipulate what individual agents ought not to do; rather, they represent positive duties to others:

> Because a person can be individuated only through socialization and because an individual’s inner center develops only as he engages in communicative structures of reciprocity, morality, which counteracts this vulnerability, reflects the intersubjective structures of this vulnerable identity itself. Hence the integrity of the individual person, which calls for equal respect for all, cannot be safeguarded without simultaneously safeguarding the social fabric of relations of recognition.

Positive duties — observing what one ought to do — are equally important for the formation of individuality.\(^{34}\) But these duties require social cooperation and must be institutionalized as social obligations:

Claims to a fair share of scarce social resources — positive rights to basic goods such as food and housing, health care, education, and opportunities to work — can be satisfied only through organizations. In this context individual rights and duties are transformed into institutional rights and duties: the organized society as a whole is the subject of obligations.\(^{35}\)

We already have institutions that are devoted to the development of persons — schools and universities. But it does not follow that the norms governing the behavior of these institutions adequately reflect the social obligations of a society to its newest members.

A revised conception of discourse ethics should therefore be applied in order to assess the moral norms upon which schools and universities anchor their legitimacy in the public sphere. For example, higher education institutions are often justified on the grounds that they serve a greater public good. Yet, market norms continue to have increasing purchase on the behavior of colleges and universities. It seems clear that democratic publics are currently unclear as to whether higher education institutions are part of the basic fabric of the democratic ideal, on one hand, or simply a commercial good, on the other. My sense is that a deliberative public that took more seriously the potential role that higher education institutions can play in meeting our social obligation to future citizens could tip the balance in favor of a more robust and democratic vision of higher education. To be clear, I am not assuming that a deliberative public would arrive at such a conclusion. What I do mean is that the public sphere’s understanding of higher education may be epistemically “lopsided,” focused too much on the role of higher education institutions in promoting the economic and political interests of adult citizens. A deliberative public that is procedurally required to consider the interests of future citizens may be more likely to see the need to better align the aims of a system of higher education with democratic values. The reason for this is that higher education may be plausibly viewed as an institution that has an obligation to support the discursive agency of citizens and therefore should be allocated independent of a person’s wealth or income.

**Conclusion**

An educationally responsive discourse ethics should guide the practical reasoning of citizens who are publicly deliberating about what society owes all persons and who wish to seriously consider the interests of immature citizens who cannot share in that deliberation. Such a conception of discourse ethics is better able to capture what it means to claim that something is just or fair by requiring deliberators — at the level of public argumentation — to ensure that the general

\(^{34}\) Ibid., 68.

\(^{35}\) Ibid.
observance of norms and policies will not have unjustly detrimental side effects and consequences for the capacities of developing persons who are citizens-to-be. The prohibition of “developmental coercion” expresses this as a formal procedural requirement. Without such a procedural requirement, adult deliberators may view a norm as having high epistemic quality when they are in fact unwittingly neglecting the *foreseeable* interests of those unable to participate.

Finally, my analysis assumes that adults can and should act as deliberative proxies for the interests of future citizens. Is this assumption justified? Within the broad category of future citizens are children, and children can give reasons even if adults often view those reasons skeptically. Yet, to what extent should democratic decision making include the child’s perspective? Should children’s immature state be seen as sufficient grounds for denying them the right to participate in deliberative decision making? Or is this a form of epistemic injustice? The nature and scope of children’s suffrage has a long and vexed history in the liberal philosophical tradition. My sense is that this question poses an even greater challenge for the cogency of discourse ethics due to the possibility that children constitute a social perspective and therefore need to be included as agents in the deliberative democratic process. I cannot address this last issue here. I raise it on a concluding note because it reveals further reasons why philosophers and political theorists interested in Habermas’s discourse ethics should look seriously at the educational themes that lie at its core.