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Education for democracy between formal law accession, ethical theories and pedagogical concepts

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Conceptions of education for democracy and active citizenship currently face certain clear theoretical dichotomies and contradictions which we simply cannot afford to avoid:

The classical theoretical dichotomies of liberalism vs. conservatism, e.g. the question whether education should empower the children with a freedom of choice or simply inculcate values, are no longer acceptable; education is not valued just for the freedom but also for the virtue it gives to the children; the virtues which we appreciate include the ability to reflect on the competing concepts of good (Gutmann 2001).

Another questionable dichotomy is between the individual as an autonomous subject, the subject of human rights, and the community which attempts to protect its values and interests, using education as its 'conscious reproduction' (*ibid*) to impress its values upon children and adolescents. A precondition for successful and democracy-oriented education in the spirit of human rights is the recognition that '...democracy is more than a form of government; it is primarily a mode of associated living, of conjoint communicated experience'. This attitude requires a certain level of education (Dewey 1916/1966, p 87) which supports proper social values and virtues, once listed by White as hope and confidence, courage, self-respect and self-esteem, friendship, trust, honesty, and decency (White, 1996).

Education should prepare children for life in social reality, but at the same time it never truly embraces realistic life conditions; at the level of fundamental goals it continues to emphasise the ideals of humanity and community which transcend existing practice. Therefore education is always the discourse of a person with values.

Education for democracy and active citizenship can only take place in safe school environments, which have the possibility of democratic negotiation and the commitment of both teachers and pupils to classical democratic values. However, it remains uncertain whether the pupils will be able to adhere to the desired citizen's attitudes in 'unprotected' real environments, particularly if the school in question is not connected with life in the local community (Schutz, 2001).

If citizenship education in public schools is to contribute to the development of identification and value orientation in pupils, the school must defend a minimum consensus about the fundamental common values of coexistence. At the same time, it must allow and assist children to maintain particularistic, culturally-specific personal values and combine these with the common values into a coherent whole (Strike, 1998).

Although school must strive to respect the common values of civilisation and trust its pupils not to abuse their right to participate in decision-making (Scheffler,1989), only a heterogeneous school (in the sense of the social, cultural, ethnic, religious and gender composition of its pupils and their learning abilities) can initiate processes of harmonisation between individual and common values, actively demonstrating ways for tolerance in solving conflicts between the 'competing' constructions of specific cultural identities, as well as between the general public cultural orientations and private, local-culture value systems (Strike, 1998; Schutz, 2001; Kroflic, 2003).

In addition to this, the theoretical concepts and practical models of citizenship education are faced with the pluralism of scientific disciplines and approaches, which must provide a coherent theoretical basis for at least a minimum of common professional standards. This can only be achieved through close monitoring of the arguments of different sciences (law, ethics and philosophical anthropology, pedagogy, social work theory, etc.) and through finding a common language for heterogeneous theoretical orientations.

Legal stipulations and education for democracy

Legal stipulations are certainly necessary, but according to many theoreticians are not in themselves a sufficient basis for designing citizenship education on principles of fundamental human rights and the rights of the child. Across the world in pedagogy the discourse of human rights within the liberal educational tradition has questioned the indoctrinating and manipulative character of education. This process has had a particularly optimistic effect on the new democracies in Europe (including Slovenia), since before the democratic transition these countries had used markedly indoctrinating models of citizenship education and had no respect for certain fundamental human rights. Initial enthusiasm after transition was followed by a relatively quick disillusionment, and an awareness that a formal protection of human rights, whether in society or in schools, does not automatically bring with it a true realisation of democratic values.

For the legal theory of human rights to contribute to a deeper understanding and more successful implementation of the ideals of democracy and active citizenship in the practice of citizenship education, certain limitations of the discourse of human rights noted by legal philosophy and critical theories of society need to be considered.

- We will have to address the question of who is the true subject of the rights of the child – the children themselves or their parents or legal representatives – and the ensuing problem of paternalism, as well as the important dichotomy in the concept of the rights of the child, which on one hand stresses the need for protection and on the other aims to enable the child to gradually participate in important decisions concerning their life.
- The association of rights with duties, typical of philosophical anthropology and ethics, is never fully realised within the legal context of modern rationalist thinking, since 'on the 'surface' of human world experience, rights and duties are separated, and in human 'depths' they are combined ... In this respect, the rationalist modern law certainly largely remains 'on the surface', while common and religious law and

morality aim ‘deep’.’ (Cerar, 1996, p 142) This is why pupils only understand the rights granted to them by school regulations in connection with their duties when instruction provides them with appropriate ethical arguments.

- ‘From the empirical standpoint, human rights are neither general nor universal, neither at the theoretical (philosophical) nor at the legal level, and of course even less in social practice ... Nevertheless, the idea of human rights is not merely an ideological construct with a universalist tendency, since in the very conception of these rights a certain anthropological universality can be perceived, but it cannot be fully expressed through the (established) concept of rights’ (*ibid.*, p 97–98) The theoretical impossibility of the definition of human rights as universal categories is explained by recent legal theoreticians with the realisation that neither human nature nor the absolute law in its authentic form are available to human understanding. Therefore rights and duties are in each case determined or defined by humans at the level of particular social conventions, which presupposes a very specific anthropological vision of humans as ethical subjects, i.e. as persons with natural capabilities for free, and at the same time responsible, social negotiation and ethical decision.
- The discourse of rights sees people as separate individuals, since rights protect us from interference by others, while women tend to think more in terms of community. From this standpoint, the project of constructing a democratic community requires an emphatic connection with fellow human beings; societal values and the ensuing virtues provide the connective element for the society/community, which is essentially separate from the moral individual but at the same time enables him/her to construct his/her identity in it. This connecting language of confidence, however, is not contained in the legal discourse of human rights.

The general objections to the concept of human rights are therefore that they are to a certain extent culturally specific, presuppose inherent conflict and are inherently incapable of establishing the traditional ethical interdependence between rights and duties that is so necessary in education. Law as science is undermined by the fact that as an anthropological theory, it is insufficiently complex to be able to replace ethics. However, we must note that all these limitations reveal not only the necessity of legal stipulations for the implementation of democracy and human rights in schools, but also the direct educational value of the discourse of human rights. Clearly formulated rights have to be part of the direct relationship between the teacher and the pupil, preventing the teacher from assuming the apostolic position of an infallible, capricious person (exercising a paternalistic attitude of doctrinaire care over the pupil) and opening the way to independence for the pupil. At the same time, we must be aware that the child can only develop a personal relationship towards established rights as the object of symbolic identification through a personal relationship with primary important others, insofar as these represent to him/her an example/ideal of justice and caring emotional commitment. But here we have already touched on the ethical dimension of school and teaching.

Solving the contradictions of ethical theories

I will focus here only on those contradictions which expose the problem of the individual's integration into the community in the context of education for democracy and human rights.

Although in its critique of the prevailing utilitarianism twentieth century legal and ethical thought was justified in its attempts to protect the individual from ideological violence and classical repression, with a discourse of human rights stressing the principle of human dignity (Donnelly, 1998, p 21), it was precisely Rawls's groundbreaking study *A Theory of Justice* (1971) that initiated a vigorous critique of liberal concepts of justice. The advocates of community ethics addressed two basic objections to Rawls and other proponents of the liberal concepts of justice:

- The basis of moral life, and therefore of modern ethics, should not be the abstract individual but the community, which has the right to give priority to certain life plans, to promote them and through conscious self-reproduction impress them on the coming generations through school socialisation and systematic education. In the vein of many advocates of the critical theory of society and critics of the imperial policy of globalisation, MacIntyre attributes the liberal orientation of the present world order to the central features of the modern economic order, particularly to its individualism, acquisitiveness and the elevation of the values of the market to the central social place (MacIntyre, 1984, p 254);
- The ethics of justice is also criticised for its concept of the human as an abstract individual, whose capabilities for autonomous moral judgement are sometimes called plain arbitrariness by the critics. According to Taylor, human identity does not only develop as a consequence of the cognitive abilities of an individual separated from the realistic environment, but rather through accepting concrete obligations and identifications in the community, his/her personal life purpose develops in the same community as an entity independent of the individual (Taylor, 1989).

Since this is no place to analyse the objections to Rawls's concept of social justice as an ethical and/or political concept, we should focus on Dewey's argument that democracy is primarily a mode of associated living, of conjoint communicated experience in a community. This communicated experience of course presupposes an individual capable of autonomous, critical and responsible negotiation, but at the same time also the fulfilment of certain conditions in schools as democratic communities.

White (1996) proposes a very useful analysis of classical moral values or virtues which at the level of school organisation enables democratic processes of negotiation. I would particularly like to emphasise social confidence, friendship, personal trust and trust in institutions, and decency as the common characteristic of the ethos of the democratic school. This is in agreement with philosophy of law, which stresses that the normative legal system and the community's morality are interdependent systems which can only be effective in harmonised (co)operation, since 'a legal regulation cannot be autonomously accepted if it is not at the same time evaluated as morally positive. The

law which does not have a sufficient extent of this support or begins to lose it, becomes increasingly repressive and oppressive. ' (Pavčnik, 1997, p 233)

The next precondition for the formation of school as a democratic community is emphasised by Scheffler, who expects the teachers wishing to truly empower the pupils as active subjects of rights and responsibilities for negotiation to be prepared to take certain risks: 'The function of education in a democracy is ... to liberate the mind, strengthen its critical powers, inform it with knowledge and the capacity for independent inquiry, engage its human sympathies, and illuminate its moral and practical choices... Such a direction in schooling is fraught with risk, for it means entrusting our current conceptions of the judgements of our pupils' (Scheffler, 1989, pp 139 and 143). This risk is only justified when we trust the growing capabilities of the pupils and their readiness for cooperation, and at the same time protect the community from potential abuses by individual members.

The dilemma of how to overcome the tension between the theory and practice of education as the 'necessary conscious reproduction of society' and education as the 'liberation of the spirit by the strengthening of its critical powers' at the level of concrete discourse of democratic negotiation is successfully solved by Strike, who sees in school discourse on ethical dilemmas and rules of coexistence a kind of ethical pidgin on one side, and a hermeneutic/critical conversation and reconciliation between the common civilian moral values and the values rooted in the individual's own (private) culture on the other side (Strike, 1998). At the same time he renounces ethical exclusivism and at the level of moral judgement envisages training in consistent application of various ethical criteria; the greatest good, reciprocal respect and the golden principle, attitude, community values and personal growth (Strike and Moss, 2003).

The dilemma remains whether school can indeed encourage the development of competences for democratic negotiation with appropriate human empathy within the school community alone, or whether it is necessary to connect to the local community and provide the pupils with the possibility of ethical engagement in the real life environment (see e.g. Schutz, 2001).

On certain promising educational concepts

Among the newer educational concepts that can directly assist in an endeavour for active and responsible cooperation between teachers and pupils in both the democratic school and the wider community, I would particularly like to single out empowerment and ethical commitment.

The stages of the process of empowerment of the members of socially deprived groups can be seen as a basis for the design of methodical approaches to the introduction of democratic negotiation in public schools:

- stressing the feeling that one is capable of making decisions regarding his or her life
- supporting the realisation of these decisions in everyday life

- supporting independent decision-making in accordance with the person's own ideas of what is good for him or her
- recognition of social and personal limitations
- awareness and understanding of structural discriminations created by the society
- increasing of one's own influence on one's life
- increasing the confidence to use the power that one has (Zaviršek *et al.* 2002, p 60-62).

The explanation of the last stage/dimension of the empowerment process reveals the connection of this concept to the concept of active social engagement as defined by ethics of care, by the methods of voluntary assistance and by the concept of personal commitment: 'One of the ways to exercise the power one has is to participate in processes of assistance. People can transform their anxieties and hardships into creative powers, with which they can help the people with similar experiences' (*ibid*, p 62).

Empirical research reveals that the development of an individual's ethical sensitivity and readiness for cooperation in charitable community projects largely depends on key personal experiences in the family, school and/or broader social environment. Paccione (2000) emphasises four stages of awareness in the commitment-developing process. The key personal experiences are acquired in the family (first stage), during unexpected encounters with relevant events or persons in the private sphere, in school or at work (second stage), under guidance or during reading (third stage), and finally, when the individual has the opportunity for committed action and is thus established as the ethical subject of care (fourth stage). It is important to realise that pupils often acquire special life experience with teachers who are themselves committed persons, and the opportunities for the development of empathy and awareness of the importance of ethical engagement are much easier to provide within the projects of voluntary work in the local community than just in the classroom. Similar results were reported in the excellent qualitative study *Common Fire* (Parks, Daloz *et al.*, 1996), in which the authors studied the biographies of one hundred individuals committed to humanitarian work, regardless of their gender, race, religious or cultural backgrounds, in the USA.

Conclusion

If we began with the statement that today many citizens of the New Europe are overly enthusiastic about the positive effects of the formal implementation of human rights and about the liberal understanding of education as the strengthening of one's critical powers, we should note finally that in Slovenia before World War II (and the Socialist Revolution) the basis for academic pedagogy was Dilthey's *Geisteswissenschaften*, whose basic micro-pedagogical concept was personal experience as a form of key spiritual experience (not only in the religious sense). This is precisely the dimension of education which is in decline in the technical world of liberalism and globalisation, but which the united Europe and the rest of the world should deploy in the search for a more humane form of coexistence. Empowerment and personal commitment are (like the peak experience mentioned earlier) concepts which support this vision and make it viable.

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