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The Teaching of Democracy: Challenging the Meaning of Participation, Discourse and Dissent in the English School Curriculum

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The teaching of democracy featured strongly in the Crick Report, the theoretical forerunner of the legislative framework, and is today an important element underpinning the citizenship curriculum in English schools. This paper suggests, however, that democracy is a more complex and problematic term than the one assumed by these documents. It therefore approaches the term more critically with the aim of unearthing some of the assumptions by exploring in detail three of its central tenets, viz. democratic participation, debate or discussion and the link between law and justice. It concludes by suggesting that teachers, charged with energising and re-engaging students with the democratic process, are currently expected to work with a framework that is theoretically questionable and concerned more for the generation of social cohesion than education.

Introduction

In England citizenship education (CE) has been given greater prominence than education for democracy (ED). While both featured in the Crick Report (QCA, 1998), the theoretical forerunner of the legislative framework, and then incorporated in the statutory curriculum (DfEE/QCA, 2000), this paper argues that both documents are at times uncritical or evasive about what is meant by democracy. Even Professor Crick has since commented that the Reporfs discussion of' 'teaching politics' compared with 'teaching citizenship' was 'muted' (Crick, 2003):'It was little noticed at the time that the report had a great deal to say positively about citizenship and active participation but little about democracy' (Crick, 2007). For example, despite many references to 'modern democracy' it is not really clear how mere democracy might compare; or, given the centrality of political apathy to the whole CE/ED project, how its occurrence might be explained; or, what might be implied by a provocative reference to a theoretical disjuncture between law and justice within liberal democracies and how this might impact both within and outside the classroom. The legislative framework thus not only appears to be uncritical about these and similar issues but, in so doing, presents a questionable foundation for the very notion of citizenship. While it uses inclusive and emotional language, e.g. 'our democracy is not secure' (QCA, 1998), the paper contends that this too often substitutes for the interrogation of serious dilemmas now facing liberal democracies.

What does the statutory curriculum imply about the nature of democracy?

However, despite the absence of detail and the unproblematised presentation of democracy a sympathetic reading of the legislative framework does provide clues as to its representation. There appear to be three constituent elements, viz. democracies need citizens who are committed to and participate in the nation state; who not only desire to talk but know how to communicate about political matters with other citizens; and who behave responsibly and obey the law. An uncritical reading of the curriculum will thus discover the following elements:

1. *Commitment and participation*. This is closely linked to the need to reverse the lack of interest and engagement of the young in political life and the associated problems of apathy and dwindling amounts of social capital: 'There are worrying levels of apathy, ignorance and cynicism about public life that need to be tackled at every level' (QCA, 1998, para. 1.5);'... trust in society's core institutions has been falling steadily' (ibid., para. 3.8) and hence there is a need to augment participation and commitment. Commitment, for example, to the belief that one can 'influence government and community affairs at all levels' (ibid., para. 1.10) and'... for people to think of themselves as active citizens' (ibid., para. 1.5). Activity and participation is a 'responsibility' of citizens and ED is designed to 'empower' pupils to 'participate in society effectively' and 'relate positively to the local community' (ibid., para. 1.10).

2. *Debate and discussion.*'"Talk" or discourse is obviously fundamental to active citizenship'(ibid., para. 3.4). Democracy thrives on the open exchange of views. This is the equivalent of the free market economy of ideas where the best wins out and new truths negate former truths: 'open and informed debate is vital for a healthy democracy' (ibid., para. 1.9). School communities should model this by involving pupils in 'discussion and consultation' by means of which they will develop their 'communication skills' (ibid., para. 8.2).

3. *Law and justice*. Legally binding decisions are said to follow from debate and discussion: 'Respect for the rule of law is a necessary condition of social order and a necessary component of education' (ibid., para. 2.4). ED should foster 'respect for law, justice, democracy' (ibid., paras. 2.7; 3.22). Today 'youth alienation' (ibid., para. 3.6),

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expressed in the form of 'truancy vandalism, random violence, premeditated crime and habitual drug taking' (ibid., para. 3.6), needs to be countered by forging respect and responsibility. While ED must teach pupils to 'distinguish between law and justice' (ibid., para. 2.4), pupils should learn that any change in the law must be done in'a peaceful and responsible manner'. The law or system of rules obliges all members of the community to obey, while continuing to have a right to persuade others of the error of the law and the weaknesses of their opponent's arguments.

Unfortunately, this seemingly self-evident narrative of how liberal democracy should work, and how ED is designed to promote it, is problematical. At each level, the paper questions its theoretical assumptions.

Commitment and participation

The narrative on commitment and participation stumbles on three counts. First, it laments the rise of apathy but nowhere seems to explain the historical decline of political commitment in England. Secondly, while the curriculum talks enthusiastically of a 'modern democracy' (DfEE/QCA, 2000) it fails to explain what form this takes and why it is different from its antecedents. Thirdly, it seems a-historical insofar as it sidesteps discussion of the dramatic changes to the structure and influence of the nation state of late that may in part account for the lack of commitment within it. Such changes include the effect of globalisation on democracies; the withering of the nation state which, since Locke and Mill, could be relied upon to define the parameters of a democracy; the ability of democracies to deal with global problems, such as the environment and the consequences of growing inequality between nations; and the issue of cultural pluralism and multiple identities within single states. These, one may surmise, may be some the problems affecting 'modern democracies'.

National economic crises are not new but the later quarter of the twentieth century witnessed something novel. With the growth in foreign investment and trans-national consumerism came the rise of neo-liberalism and the demise of T.H. Marshall's view of the nation state as a grand union of capitalism with welfare provision (Marshall & Bottomore, 1992; Gamarnicow & Green, 2000). Thus for Anderson 'globalisation' is merely a euphemism for the next stage of capitalism that challenges the traditional territorial bases of liberal democracies and exposes their vulnerability:

Globalisation is putting democracy in question and is itself being questioned
as undemocratic. Its border crossings are undermining the traditional
territorial basis of democracy and creating new political spaces which need
democratising. 'Global forces' are disrupting the supposedly independent,
sovereign states and national communities which have provided democracy's
main framework. And these 'global forces' are apparently beyond control or,
more specifically, beyond democratic control. The political implications are
wide reaching and far from clear. (Anderson, 2002:6)

One of the consequences of globalisation has been the decline in the economic, political and social effectiveness of the national state (Giddens, 1998). As private multinational corporations have become more powerful they have affected the success or otherwise of national economies. National states have lost at least some of their autonomy as their power has been divested to privatised operations (like multinational corporations), to supra-state political institutions (like the EU or the IMF) or has evaporated as economic power has outrun political power and political control lost to global markets (Anderson, 2002). In Britain PM Blair's 'Third Way' response was to increase the 'supply side' of state provision (Blair, 1996; 1998) by skilling individuals for employment and extolling them to behave responsibly through CE programmes and the like, while continuing PM Thatcher's project of 'rolling back the state'. However, as the state begins to provide less some have argued that it undermines loyalty to it. The withering of allegiance, argues Bottery has been one consequence (Bottery, 2003).

One of the explanations for this is that liberal democracy has been founded on a theory of minimal government that is ill equipped to address issues of a global nature (Parekh, 2002). From Locke to Mill, democratic theory had been careful to separate the public realm (that enveloped political life) from that of the private (from which state intervention was largely excluded). As a result, liberal democracies have traditionally served to validate free market economies and democracies have curtailed themselves by largely remaining at the entrance to the factory or at the border of the nation state. Beyond these borders are found the formal political freedoms of individuals and corporations to compete. However, with the rise of transnational corporations Hertz has suggested that modern democracies are now resigning themselves to the fact that multinational corporations are taking the place of elected governments. With a touch of irony she concludes that because businesses are so dependent upon the loyalty of their customers shopping may be now more effective than voting in effecting political change, and that 'none of it is good for democracy' (Hertz,

2001). Furthermore, once markets in industrial economies are well advanced, the desires of consumers whetted and their appetites voracious, it has become politically suicidal to tell the electorate what it does not want to hear. The historian Hobsbawn has encapsulated the dilemma that modern democracies now face when needing to act upon such issues as global warming within a tradition of minimalist government and context of 'market sovereignty':

> Market sovereignty is not a complement to liberal democracy; it is an
> alternative to it. Indeed, it is an alternative to any kind of politics, as it denies
> the need for political decisions, which are precisely decisions about common
> or group interests as distinct from the sum of choices, rational or otherwise,
> of individuals pursuing private preferences. Participation in the market
> replaces participation in politics. The consumer takes the place of the citizen...
> (We) face and an age when the impact of human action on nature and the
> globe has become a force of geological proportions. Their solution, or
> mitigation, will require measures for which, almost certainly, no support will
> be found by counting votes or measuring consumer preferences. This is not
> encouraging for the long-term prospects of either democracy or the globe.
> (Hobsbawn, 2001)

Because of globalisation, but also because of colonialisation and increased mobility, many citizens within national states now have multiple identities (see Kymlicka, 2003: Kerr et.al., 2002). For example, today one can be English, British, Muslim, a member of the EU, have a commitment to another country by birth or marriage, and so on, simultaneously. In consequence, the state today is too plural and diverse to consist of a single people suggests Parekh:

> Since it is constantly exposed to external influences and its members do not
> share a moral and cultural consensus, it cannot aspire to be a single cultural
> unit and base its unity on the cultural homogeneity of its citizens. It cannot
> claim to embody and legitimate itself in terms of their sense of collective
> identity either, both because many of them no longer place much emphasis
> on their national identity or privilege it over their other identities, and because
> some of them increasingly have and cherish transnational ties and identities.
> (Parekh, 2002: 53)

The consequence is sometimes fundamental for democracy, in a literal sense. One of the effects of the publication of Salmon Rushdie's Satanic Verses (1988), for example, confirmed the juxtaposition of different fundamentalisms and the fragility of formerly self-evident principles, viz. freedom of speech versus blasphemy.

These and other issues place great pressures on liberal democracies. Above I have suggested that the CE/ED curriculum attributes the need to engender participation and commitment to counter the alienation and cynicism of the young. And yet it never tries to explain the causes. To say that 'trust in society's core institutions has been falling steadily' (QCA, 1998,3.14) is not to explain the phenomenon. Given the complexity of issues discussed above (i.e. the effects of globalisation, the expansion of capitalism, the withering of the nation state, the proximity within single nations of people with diverse and sometimes conflicting identities, and so on) it seems reasonable to explain dwindling participation not in terms of individual apathy but in part in terms of the complexity of and the challenges facing modem democracies.

There is, additionally, a further challenge to active participation in English democracy that come from the increasing perception of sleaze and spin, mediated 'sound bites' and 'dumbing down' that are reported to have become an increasingly corrosive part of political life in recent years. Because this paper will date rapidly, it is inappropriate to list specific examples. (But those interested in the particularities of political sleaze might use Google to investigate more about PM Blair's police interviews regarding money for peerages; his difficulties accounting for his links with the attorney general's advice regarding the legality of the war in Iraq; the suspicion that multinationals interests may guide major political decisions as with the testing of GM crops in the UK; Jeffrey Archer's imprisonment; Peter Mandelson's mandatory resignation as government minister followed by his rebirth as a European one; David Blunket's paternity affair, his resignation, questionable dealings with DNA Bioscience and subsequent second resignation from the cabinet;'Cheriegate'; and so forth). Spoon-feeding the British public with patently synthetic 'sound bites' has been criticised by Furedi who has suggested that the augmentation of postal voting during recent general elections in the UK has merely been an attempt to fill the democratic deficit by substituting it for genuine participation (Furedi, 2004). The point is that pupils' trust in politics and politicians remains at the 'lowest levels' according to surveys of pupils' attitudes to CE/ED (Cleaver et.al., 2005). To understand this one would need to set aside simplistic invective regarding the duty of young citizens to participate in their local community or to become more charitable (QCA, 1998, para. 2.11) and devise a curriculum that attempted to explain one of the causes of apathy, i.e. antipathy to politicians: 'There is evidence that

the increasing number of people abstaining from the electoral process do so less out of a disengagement with politics than with a contempt for politicians' (Lewis et.al., 2005).

Discussion and debate

Above it was suggested that the ED curriculum places great emphasis on debate and discussion: '"Talk"or discourse is obviously fundamental to active citizenship' (QCA, 1998, para. 3.4);'open and informed debate is vital for a healthy democracy' (ibid., para. 1.9). The root of this is deep in liberal-democratic theory. Hans Gadamer, for example, has argued that'we can never escape from the obligation of seeking to validate claims to truth through argumentation and opening ourselves to the criticisms of others' (see Bernstein, 1983; Gadamer, 1988). The philosophical root lies in the mid-nineteenth century writings of John Stuart Mill, one of the architects of liberal epistemology. In On Liberty (1969) he held that to exist historically meant that knowledge could never be completed and was inevitably partial; that to risk and test one's ideas and prejudices was a constant task and not a final achievement; and that the notion of truth was not only provisional but could only be warranted by argumentative discourse:

> There is the greatest difference between presuming an opinion to be true,
> because, with every opportunity for contesting it, it has not been refuted, and
> assuming its truth for the purpose of not permitting its refutation. Complete liberty
> of contradicting and disproving our opinion is the very condition
> which justifies us in assuming its truth for purposes of action: and on no
> other terms can a being with human faculties have any rational assurance of
> being right, (ibid.)

In short, for Mill, there was no test for the adequacy of a claim to truth other than the force of better public argument:

> The steady habit of correcting and completing his own opinion by collating
> it with those of others, so far from causing doubt and hesitation in carrying
> it into practice, is the only stable foundation for a just reliance on it; for, being
> cognisant of all that can, at least obviously, be said against him, and having
> taken up his position against all gainsayers - knowing that he has sought for
> objections and difficulties, instead of avoiding them, and has shut out no light

which can be thrown upon the subject from any quarter - he has a right to

think his judgement better than that of any person, or any multitude, who

have not gone through a similar process, (ibid.)

But there are limitations with such philosophically abstract notions of discourse and debate. Gadamer's claim that dialogue is 'an ontological structural element in understanding' underplays the significance of varying social and political contexts in which discourses operate. As a philosophical notion it distances itself from issues concerning the intentions of those in dialogue, minimises the significance of the social or political power of contenders and refuses to question why participants might choose (or choose not) to validate the practical consequences of discourse. In short, liberalism merely provides a philosophical model of dialogue that finds its own way into social and political practice. Various political theories have filled the vacuum.

In the nineteenth century Marx, for example, had argued that the case liberals made for the free exchange of ideas was inexorably tied to the economic world, to the free exchange of commodities, so that with the advancement of industrial capitalism the reality of free exchange in either domain (economics or ideas) became patently illusory for the majority. Liberalism, Marx argued, gave one merely an 'abstract model of existence of free individuality' (Marx, 1973). He would imply that liberal philosophers like Gadamer would leave dialogue at the level of abstraction and forsake the social and political fabric that enabled or distorted genuine encounter. In stressing that dialogue is underpinned by notions of mutuality and respect, that it can result in genuine novelty in understanding and that it demands an openness to risk and to the testing of one's opinions, he presumed a community of un-alienated, un-cynical and committed participants. He presupposed or at best underplayed the social contexts that make the quest for ontological encounter a reality. This is why theorists like Habermas have taken the liberal concept of encounter and have wedded to it the need to be critical of social contexts that would impede or distort dialogue:

The ontological illusion of pure theory behind which knowledge-constitutive

interests become invisible promotes the fiction that Socratic dialogue is

possible everywhere and at any time. From the beginning philosophy has

presumed that the autonomy and responsibility posited with the structure of

language are not only anticipated but real. It is pure theory, wanting to derive

everything from itself, that succumbs to unacknowledged external conditions

and becomes ideological. (Habermas, 1974)

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In essence, liberal-democratic theory presupposes the existence of the very sense of community that dialogue is intended to develop. In the citizenship curriculum debate and discussion is not problematised either within or outside the classroom. It presents classroom discourse as if it should mimic the procedures of debate that go on outside, in Parliament, between parties and the electorate, in town councils, and the like. Underlying it, however, is the omission of a theory about power structures that might determine or distort dialogue, and preferences instead the instrumental term 'communication' that would imply that debate is a skill without content (see Cameron, 2000). This inadequacy has two main consequences. First, the complexity of media discourses and their linkage with political agendas beyond the school gates are not made fundamental to the curriculum. And secondly, the nature of power structures that determine, restrict or enable discussion within a school are not adequately addressed. Let us take these in turn.

While media is referred to in the curriculum - Crick for example talks bitterly of the 'spurts, fits and fashions of vivid media coverage' (para. 3.6) and of pupils being subjected to 'a barrage of partisan opinions from the mass media' (para. 13) - there is no theory, embellishment or critique of its link with modern democracy (see Bell, 1991; Fowler, 1991; Bell & Garrett, 1998; Fairclough, 2000). This link is crucial in coming to understand modern democracy that is currently in 'a very unhealthy condition', argues Brighouse:

> So-called 'spin' originates in a bottom-line desire to look good. So if s essential
> to assert you are right, providing explanations and then reasons for why it
> has to be as you've presented it. If all else fails - think of Tony Blair and Iraq -
> everything becomes a question of opinion ... Most people find this process
> unedifying. It is certainly deeply damaging to democracy. (Brighouse, 2004)

A curriculum designed to prepare pupils for the realities of a modern democracy might therefore include a variety of themes. It could start by explaining the links between media ownership and political discourses, between Rupert Murdoch and the PM's office for example, or between PM Blair and his influential media 'spin doctor', Alastair Campbell. It could provide an understanding of the symbiosis between politicians and the media and how each uses the other. It might examine Fairclough's work that has tried to understand the constructedness of the rhetorical styles of politicians like PM Thatcher (Fairclough, 1989) and PM Blair (Fairclough, 2000). It might grapple with democratically complex issues concerning the state control of information during periods

of international conflict, as in the Falklands, Afghanistan and Gulf wars (Hodge & Kress, 1993). It could attempt to account for the rise and effect of 'synthetic conversation' in the tabloid press in the presentation of public policy (Fowler, 1988; Cameron, 2000). In short, while the citizenship curriculum makes a passing reference to media education, there is no hint of the complexity about how pupils might develop an awareness of the constructedness of political discourses. Debate is not a problematised concept and the political structures within modem democracy that obfuscate or enable genuine encounter are not explained. Some might even argue that media education should preface ED.

Similarly, within the structure of the school the issue of debate and discussion remains unproblematised. ED desires to establish 'a classroom climate in which all pupils are free from any fear of expressing *reasonable points of view* which contradict those held either by their class teacher or by their peers' (QCA, 1998, para. 10.9, my italics). But the notion that teachers are responsible for what is 'reasonable' classroom discourse glosses complex and highly questionable areas and is not eased by the circular reference to teachers making professional judgements. Take two examples. First, what effect could the introduction of market funding mechanisms have upon open debate in schools like City Academies? If a school governing body have welcomed Nescafe, Burger King or Nike's sponsorship of the school's computer suite, how can there now exist an open, well-informed, critical discourse about, say, the use of child-labour (students may wish to argue) or the merchandising policies of the companies that may help augment the excesses of Western consumption patterns? Without prejudicing or predicting the outcome, one merely wonders what a 'reasonable point of view' is.

Secondly, are School Councils exemplary democratic institutions that engender open debate and discussion? Crick pulled back from suggesting that they be made compulsory structures (QCA, 1998, paras. 5.3.2; 6.3.1; 9.1) but many have written on the subject (e.g. Rowe, 2001; Print et.al., 2002; Hannam, 2003;2005).There seems to be a consensus regarding the value of their consultative nature insofar as they give pupils responsibility and enable them to experience democracy first hand in a way that mimics the parliamentary process in which representatives are elected and negotiate with different bodies to enact responsible changes. Others have their doubts. Even in Norway, with its long tradition of requiring schools to develop democratic ways of planning, teaching and organising, reservations have been expressed about the reality of pupil democracy. Borhaug, for example, has recently suggested that' student councils do not adhere to democratic standards 'and that' they can hardly be labelled examples of democracy even if that is their raison d'etre' (Borhaug, 2006: 39). In

England control of the agenda or topic is a major way of delimiting such debate. Thus while for Rudduck and Flutter (2000) the discussion in schools too often revolves around 'the charmed circle of lockers, dinners and uniform', for Fielding debate is often merely tokenistic:

> How many school councils can we all think of that have flourished for a while but have subsequently declined from their former vibrancy and engagement with real issues into a mechanistic and largely tokenistic set of procedures for recycling the minimum and predictable minutiae of the status quo? (Fielding, 2001a)

In a centralised education system with state regulated curricula and assessment systems, there seems increasing recognition that such schools in England can only be 'moderately democratic':'...the idealism of citizenship as including equal democratic participation of everyone in school is giving way to an acceptance that there are limits to participation and democracy in schools' (Cleaver et.al., 2005). A private English school like Summerhill, with its policies of voluntary attendance at lessons, equal voting rights for both students and staff at the weekly School Meeting and an enthusiasm for open debate before rules are jointly made, has quite different intensions and may provide a genuine alternative (see Anderson, 2002; Print et.al., 2002). Failing that, more conventional state schools run the risk of developing sophisticated ways of engendering debate and discussion that end up, Fielding suggests, 'betraying (student's) interests, accommodating them to the status quo, and in a whole variety of ways reinforcing assumptions and approaches that are destructive of anything that could be considered remotely empowering...' (Fielding, 2001b).

In this section it has been suggested that the liberal philosophy of discussion and debate always needs grounding in complex social, political and educational contexts where it then becomes a much more difficult notion than the ED curriculum seems or wishes to acknowledge. There is inadequate coverage about how pupils might become aware of the constructedness of media discourses, and debate and discussion is presented in an unproblematic way that defies our understanding of how social and political authority limits the power of some groups to engage on an equal footing, both within and outside the school.

The rule of law

The third element of ED is that it should foster 'respect for law, justice, democracy' (QCA, 1998, para. 2.7) and ensure that pupils learn to act 'responsibly' in political matters (ibid., para. 2.11). Because of the ambiguous nature of words like responsibility and justice they need to approached with care. The curriculum defines morally and politically responsible action as '(a) care for others; (b) premeditation and calculation about what effect actions are likely to have on others; and (c) understanding and care for the consequences' (ibid., paras. 2.12; 2.11). However, all three criteria - care, premeditation and awareness of consequences - might be made to apply equally to both lawful and unlawful and yet morally responsible behaviour. While Crick equates lawbreaking with reprehensible acts like drug taking and glue sniffing, the theoretical possibility is raised that the morally responsible citizen might (sometimes) be obliged to move outside the law. Crick understood the dilemma clearly by suggesting that pupils should be helped to 'distinguish between law and justice' (ibid., para. 2.4, my emphasis; see also Crick & Porter, 1978). And yet, however alluring the proposition, it remains uninvestigated and unexplained, and the reader is unclear about what might be implied.

Certainly, democratic theorists have often included the possibility of unlawful dissent (Hanson & Fowler, 1971; Holden, 1974; Macfarlane, 1970; Macpherson, 1971; Saward, 2003). Often they distinguish unlawful dissent from other unlawful practices, like theft. Thieving is different from unlawful dissent, it is said, because such actions do not aim to change a law. Similarly, the examples that Crick gives, like thieving and glue sniffing, are not politically disobedient for there is no desire to engage in debate about issues of justice. Such illegal action has no aim beyond the predicament of the miscreant, whereas unlawful dissent does. Again, the justification for disobeying a law cannot be simply personal or following one's conscience. On its own this would be insufficient inasmuch as there are stages of negotiating one's social and moral responsibility, namely, examining the cause, reviewing one's general obligation to the state, considering the form of disobedience as well as the consequences, and so on (Macfarlane, 1971). And thirdly, there is evidence of a long history of unlawful dissent within liberal democracies without them toppling. Thus it is not uncommon for citizens to be obligated to obey the state (because of their membership in the larger community) and obligated to disobey it (because of their membership in a smaller one). And thus, for all the tensions in this conception, some have argued that it is quite normal for healthy democracies to absorb these challenges (Walzer, 1967).

Thus if is law and justice are conceptually distinct, what form might unlawful descent take? The following examples are posed as provocative questions. In the suffragist movement of 1906 was Emily Pankhurst just in perpetrating illegal affray on the grounds that it moved democracy forward?

In 1913, by intentionally throwing herself under the King's racehorse that led to her death, was Emily Davidson performing a selfless deed in order to secure political change or simply acting illegally (insofar as it was not until 1961 that the Suicide Act was revoked in Britain). In 1930 was Ghandi's 200 mile march of civil disobedience to the sea to collect salt without paying the coloniser's taxes illegal but just? Was Hitler's democratic election in November 1932 with 37% of the votes legal and just? Were English citizens refusal to pay the 'poll tax' in 1988 illegal and unjust? Was Swampy, the human mole who burrowed deep beneath Manchester Airport in 1997 in protest against its expansion, culpable of unlawful trespass, but just in his actions? Was the illegal destruction of genetically modified crops in June 2000 illegal and unjust?

These historical examples can be matched with contemporary ones where illegal action has been justified by high-ranking figures of the establishment. Derek Pearce, for example, a magistrate, churchwarden and defiant member of the Beaufort Hunt has reportedly said:

> I'm not prepared to carry on being a magistrate and sit on cases involving
> hunting. It's an unjust law because it's been introduced by prejudiced MPs
> who are completely ignoring the evidence. I wouldn't be prepared to pass
> sentence on someone convicted of breaking any new law, and I am even
> prepared to join them in the dock. (Arcnews, 2003)

Similarly, senior Vatican officials like Cardinal Lopez Trujillo have insisted that good Catholics should oppose Spain's recent law permitting marriage between gay couples:'A law as profoundly iniquitous as this one is not an obligation, it cannot be an obligation. One cannot say that a law is right simply because it is a law' (quoted in Gledhill, 2005).

The aim in this section so far has been to show that legality and justice are not synonymous in democracies. The aim now is to create a scenario in which one could imagine a classroom in which this disparity could open and flourish, and, somewhat arbitrarily, the issue of the Iraq War has been chosen. Certainly, some teachers who expressed their views in school counter to government policy have become casualties. Peter Stevenson, for example, was a pacifist who subsequently resigned from his post as Headteacher in Exeter having worn his CND badge openly around school and at a governor's meeting (see Bamber, 2001; Lucas & Fawcett, 2004). Despite curriculum advice on dealing with controversial issues (e.g. DfES, 2002) the prospect of pupils taking illegal action in consequence is not an easy matter. Yet this is just what many did onWednesday 19 March 2003 in protest at the

threatened war with Iraq (see e.g. Birkett, 2003; Bain, 2003; Cassidy, 2003). Their act was illegal if for no other reason than truancy. Whether their action was appropriate and just, or naïve and ineffective in this case, is not of concern here, but, rather, whether this type of action could in principle be validated as the appropriate outcome of an active and lively ED curriculum. It needs to be made clear that the stated aim of ED is not just to know about politics but, as the curriculum clearly states, to take action: 'pupils should be encouraged... to recognise, reflect upon and act upon these values and dispositions... this is vital in developing pupils into active citizens' (QCA, 1998, para. 6.8.2, my emphasis).

One scenario is that over a period of study about the war in Iraq pupils will have demonstrated many of the skills and qualities valued by CE/ED (see Davies, 2005). They have shown a strong sense of commitment to the issue. They have been active in their discussion, have drawn upon their research skills and have used available evidence appropriately. They have involved themselves in dialogue and have shown that they can listen to others, possibly interviewing politicians invited to their school and debate the issues by countering alternative views in a reasonable and responsible manner. They obviously care for their local as well as for their global community. They also demonstrate that they have a good understanding of the structures underpinning liberal democracies as well as some of their historical limitations, such as PM Blair's refusal to change direction regarding his policy on Iraq despite huge opposition by the public at the time, or that in the past wars have sometimes been fought in the interests of securing natural resources and not for combating injustices. Students may have also come to know about 'camera conscious' use of the media and how this can be orchestrated to gain mainstream attention and maximum publicity for a cause, as with political parties at election time. In essence, these hypothetical students are far from apathetic, have a good understanding of the issues and, as responsible citizens and the product of a lively curriculum, have come to the point of convincement of their moral duty to take political action.

In practice, given the curriculum framework and assumptions regarding what is appropriate education in England, one of three things is possible:

1. *Control.* The first is that civil disobedience is simply contained. Any thought of action ends at the classroom door where pupils file passively to other lessons. Citizenship education in this scenario would mimic dramatic role-play insofar as it would be interesting, invigorating but essentially neutered and practically inconsequential. It is a consequence that may of course reinforce their cynicism and apathy, for the hidden aim

would be to encourage participation in the existing system, 'not to question or challenge it' (Leighton,2004:171).

2. *Containment*. The second is that action would be permitted but closely monitored and controlled by what we have seen the citizenship curriculum call 'those in authority' (QCA, 1998, para. 2.11). A supposition might be that action would be permitted only when the topics under discussion were local, possibly contributed to the enterprise economy and were 'positive', that is to say, not damaging of existing power structures nor the rule of law, e.g. action that raised money for new playground equipment but not action that stemmed from a discussion of, and led to a demonstration against, insufficient public funding for state schools. In other words, critical discussion and action is permitted but controlled and funnelled (such that the reasonableness of Fagin's method of thieving handkerchiefs would be admissible but debate about stealing per se would not). And, if young heads were hot and unbridled passion seemed a possibility, there would always be the prospect of binding action back to the need for more debate and discussion in an ongoing language game for more debate and discussion, further enquiry and evaluation.

3. *Fragmentation*. The third option would be that the corporate view of the class would be fragmented into what the CE/ED curriculum calls personal opinions. The epistemological significance of reducing public understanding to a multitude of multifarious and private understandings has the effect of individualising it. It has its root in liberal philosophy. Thus one can write to the council or an MP with a strong argument but only in a personal capacity and not as the representative of the class or school. Those who have the skill to justify 'orally and in writing a personal opinion' (DfEE/QCA, 2000, my italics) have ipso facto had their views relativised and denuded of their public legitimacy.

The tag 'personal opinion' is usefully applied to those who are out of sync and irresponsible and, if teachers are 'in authority' to decide who is thinking 'responsibly', the rules for deciding whether pupils' views and actions should remain personal, or become public, rests squarely with the teacher.

Conclusion

The paper has suggested that underling problems of defining a citizen are problems of defining a democracy. The problematic nature of what 'a modern democracy' is, is not evident in the legislation

nor in Crick. What it is and what it might become in the context of unprecedented pressures upon the nation state is not argued. The epistemological underpinning of the legislative framework is unconvincing because it shifts between the dissemination of facts and the tolerance of personal opinions in debate in order, one might surmise, to maintain social cohesion. The difficult issues seem to be thrown-back to the subject and the personal that obfuscates the power structures that underlie debate and discussion. This needs to be far clearer and media studies should become a much more prominent and integral part of ED. And teachers, a vulnerable species mandated to teach this complex aspect of the curriculum, will need to escape the pitfall of either boring their pupils by disseminating the facts of politics (by doing 'civics') or raise the stakes and look very carefully where their students may roam. For are teachers going to be held responsible for the success or failure of democracy? Will it be teachers' fault if their pupils remain apathetic or antipathetic? And whose responsibility would it be if they made the decision to take un-civil action?

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