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Deliberation of Controversial Public School Curriculum: Developing Processes and Outcomes that Increase Legitimacy and Social Justice

Abstract

Public schools in the United States are charged with facilitating public deliberation of controversial school curriculum. This often entails managing the negotiations between multiple stakeholders who have very different positions on the proper design and implementation of curriculum. To maintain legitimacy as caretakers of the public interest in a liberal democracy, public schools are asked to recognize all legitimate perspectives in such disputes. But what happens when a perspective is not considered legitimate or in the public interest by the dominant community? When disputes over curriculum ensue, the rights of individuals to have their perspectives included in the curriculum must be considered in tandem with the public school's primary responsibility—to teach students to nurture a democracy. This essay synthesizes frameworks from deliberative democracy theorists to better understand the ways that the process and outcome of public school curriculum deliberation can increase in legitimacy and responsiveness to issues of social justice. To develop and illustrate this theoretical framework, I examine the case of a small group of activists who challenged a curriculum's claim that the internment of Japanese Americans during WWII was clearly a mistake. Activist wanted the curriculum to say that the internment was done out of military necessity. I conclude that Gutmann's guidelines of non-discrimination and non-repression must be synthesized with Habermas's guidelines for a proceduralist model of deliberation.

Keywords

Curriculum, School Policy, Deliberation, Curriculum Controversie, Social Studies Curriculum

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Deliberations over controversial issues such as evolution, intelligent design, sex education, multicultural education, school prayer, and history illustrate the complexity of deciding how competing claims concerning the public interest should be represented in the public school curriculum (Binder, 2000, 2002; Gutmann, 1995; Zimmerman, 2002). Pinar (2004) writes that “the school curriculum communicates what we choose to remember about our past, what we believe about the present, what we hope for the future” (p. 20). It is no wonder that the public school curriculum is a source of contention. Curriculum deliberation is often emotionally and intellectually charged as stakeholders struggle over how and what students should learn to promote what stakeholders believe to be the best representation of society’s past, present, and future. As portrayed in the curriculum, this best representation is a claim about the public interest. I define the public interest as those claims values, beliefs, and opinions that are believed to be in the common good of a public. Deliberation of these claims is central to public school curriculum disputes when stakeholders have competing claims about the public interest.

In 2004, one such dispute ensued over a sixth grade curriculum in a small community that I call Telford, which is located in the Northwestern United States. In the following essay, I use this dispute as a case to examine some theoretical orientations to deliberation over public school curriculum. The curriculum, which I name *Leaving Our Homes (LOH)*, taught that the WWII internment of Japanese Americans was clearly a mistake, but a small group challenged this claim. I call this small group the LOH challengers. The LOH challengers said that the internment was done out of military necessity, and they wanted the LOH curriculum to reflect this perspective. They claimed that the public school was charged with deliberating the views of all community members when designing and implementing curriculum. However, it is the official stance of the United States government that the internment was a mistake. As custodians of public schools in Telford, as well as the curriculum and the related public interest, Telford School District (TSD) administrators were charged with mediating competing views on the LOH curriculum. It was apparent from the beginning of the contention that TSD administrators, teachers, and many community members believed the matter of internment had been settled by the U.S. government and not an issue that Hess (2009) describes as “open” to controversy. What can we learn from the LOH case about the deliberation of controversial public school curriculum?

This essay addresses this question by first examining the concept of *the public interest* because schools are charged with negotiating the public interest, which is expressed in the form of curriculum. Second, I present Habermas’s (1996b) three normative models of democracy as theoretical lenses to interpret different conceptions of the public interest. Third, I extend these lenses to

consider proceduralist and substantive orientations toward public deliberation. For the former, legitimacy of decisions is privileged in the decision-making process whereas for the latter, legitimacy of a decision is privileged by decision's alignment with a predetermined ethical-political understanding. The *substantive* model is aligned with a *civic republican* model because it relies heavily upon dominant community views to gauge if the product of deliberation is in the public interest.

The LOH dispute represents a clear tension between these orientations. The curriculum challengers were appealing to a *procedural* model of legitimacy by demanding that their voices be heard although the issue was considered by many to be closed to/as controversy. However, the issue of the wrongfulness of the internment was also substantive based upon the official policy of the U.S. government because the government had decreed an ethical-political understanding. This understanding was the result of deliberation during a congressional inquiry into the matter of the WWII Japanese American internment. To extend deliberative and democratic theory to the area of curriculum controversies, I use Habermas's proceduralist orientation and Gutmann's substantive orientation to analyze and interpret the LOH case. I conclude that in the LOH case, the *procedural* model of public deliberation is more congruent with legitimacy in democratic theory than the *substantive* model.

Deliberation of the Public School Curriculum

The Public Interest

Curriculum controversies often arise from a challenge to dominant claims about the public interest as they are expressed in the curriculum. In content analyses of curriculum materials teaching about controversial public issues, Camicia (2007, 2009) illustrates how the curriculum and the range of choices given to students during deliberation is indicative of dominant ideologies. Pinar (2004) reconceptualizes curriculum as "a multifaceted process, involving not only official policy, prescribed textbooks, standardized examinations, but as well the 'complicated conversation' of participants" (p. 19). This dynamic definition of curriculum emphasizes the school as a site of contention over issues ranging from the history curriculum (e.g. Al-Haj, 2005; Nash, Crabtree, & Dunn, 1997; Parkes, 2007) to creationist/evolutionist curriculum (Binder, 2002) to sex education (Zimmerman, 2002) to the following example of a battle over culture and religion in the public school curriculum.

In the so called *l'affaire foulard* or scarf affair in France, female Muslim students were forbidden from wearing a *foulard* (scarf) because school authorities claimed that the foulard's meaning was religious in nature. Schools claimed that a policy mandating state neutrality on religion, named *laïcité*, prohibited the girls from wearing their foulards in schools. According to Benhabib (2002), "some women resisted the state not to affirm their religious and sexual subordination as

much as to assert a quasi-personal identity independent of the dominant French culture” (p. 94). The issue can be framed as one involving women’s rights to freedom of expression and religion rather than one of women’s oppression. This example illustrates the difficulty in asserting a claim about the public interest without structuring public conversations that are inclusive of nondominant cultural claims and competing epistemologies.

The French government held a specific ethical-political self-understanding that hindered the nondominant ethical-political understanding of the women in the case. Under a *procedural* model of deliberation, the women’s perspective would have been privileged during the process of deliberation. Under a *substantive* model of deliberation, the French government’s dominant perspective would have been privileged during the process of deliberation. In public school curriculum disputes, this *substantive* model is often guided by the expertise of professional educators. However, educators often perpetuate dominant perspectives at the expense of nondominant perspectives. This can be problematic during the deliberation of controversial public and cultural issues reflecting multiple epistemologies.

Different perspectives pertaining to the public interest in cases such as the *l’affaire foulard* and Leaving Our Homes (LOH) curriculum controversies can cause seemingly intractable battles because stakeholders voice competing claims concerning the public interest. This difficulty rests at the heart of the democratic decision-making process. However, it is sometimes difficult to agree upon what opinions undermine or threaten these democratic principles. For example, according to creationists, the teaching of evolution without mention of creationism denies recognition of creationist students and infringes upon their right to freedom of religion. For those against the teaching of creationism in science classrooms, the teaching of creationism infringes upon the right of non-creationist students to participate in a science classroom free from a religious viewpoint. Both of these outcomes seem undemocratic and against the public interest depending upon a person’s cultural background and epistemological stance. In this example, the expertise of educators and scientists has trumped the ethical-political and religious understandings of creationists in defining the public interest in this curriculum area.

In sum, when controversies erupt over public school curriculum, schools must decide how to resolve conflicts in a manner aligned with the public interest. Is it in the public interest to include perspectives in the curriculum that the dominant community finds offensive or undemocratic? What rights do individuals have to define the public interest? When should nondominant groups and individuals defer to the authority of educators in curriculum issues? In the next section, I begin to address these questions by discussing Habermas’s (1996b) three normative models of democracy and each model’s interpretation of the

public interest. The following models help structure my examination of deliberation of the public interest in curriculum disputes.

Three Normative Models of Democracy

Democratic institutions such as public schools are bound by particular procedures of deliberation, which are based upon democratic principles. Habermas (1996b) describes three normative models of democracy: *liberal*, *civic republican*, and *procedural*. He first describes the *liberal* theorists in the tradition of John Locke as claiming that,

The democratic process accomplishes the task of programming the government in the interest of society, where the government is represented as an apparatus of public administration, and society as a market-structured network of interactions among private individuals. Here politics (in the sense of the citizens' political will-formation [public opinion that is developed through public discussion]) has the function of bundling together and pushing private interests against a government apparatus specializing in the administrative employment of political power for collective goals. (p. 21)

Under the *liberal* model, the individual rights of citizens are expressed in a negative sense—citizens are protected from the incursion of the state or other citizens. Individual interest is valued in the sense that individuals are free to pursue their particular visions of a good life as long as they do not infringe upon the rights of other citizens. The modern focus of this approach is upon human rights. Public interest is determined through the aggregation of individual opinions in the form of administrative processes such as voting. The formation of public opinion about the public interest is a matter of individual competition influenced by the administrative power of the state. Habermas's main concern with the liberal view is that reason privileges private interest over the public interest. In controversies over curriculum, this model might privilege, for example, a public vote to decide on which curriculum option to choose.

Habermas (1996b) compares the *liberal* model with the *civic republican* model, which places strong emphasis upon public interest as defined by a community's existing ethical-political self-understanding. The *civic republican* approach is often based upon the writings of Jean-Jacque Rousseau. Rather than focus upon the rights of individuals in society, Habermas describes the *civic republican* model:

In addition to the hierarchical regulations of the state and the decentralized regulations of the market, that is besides administrative power and individual interests, *solidarity* and orientation to the common good appear as a *third source* of social integration. In fact, this horizontal political will-formation aimed at mutual understanding or communicatively achieved consensus is even supposed to enjoy priority. (p.21)

While the government is also valued as a protector of individual liberty, the *civic republican* perspective stresses the development of consensus upon a claim of the public interest. But the *civic republican* view privileges claims about the public interest based upon a community's 'common' ethical-political self-understanding. Rather than focusing upon administrative functions, such as voting, to determine the public interest, the public interest is obtained by adherence to a communicative understanding of a common past, present, and future. This is problematic in curriculum issues because it is this understanding that is in dispute. A substantive view of deliberation would privilege the dominant ethical-political self-understanding of the community. The public usually defers to professional educators to define this understanding. Habermas's (1996b) main concern with the *civic republican* model is that it overburdens and restricts political discourse with an emphasis upon ethical consensus, a consensus that might not exist but is assumed by those in positions of dominance to exist. Dominant claims of the public interest often flourish at the expense of nondominant interpretations.

To illustrate the difference between *liberal* and *civic republican* models, I return to the example of *l'affaire foulard*. School officials made claims about the public interest by referring to the community norms of state neutrality in religious affairs and enlightenment principles of religious freedom. This is where the line between *liberal* and *civic republican* models becomes blurred. On the one hand, the policy of neutrality is based upon the rights of all students to be free from religious symbols in schools. The school also viewed the practice of veiling as discriminatory to women. These reasons are strongly upheld by *liberal* views concerning individual rights. On the other hand, in concurrence with the *civic republican* model of democracy, the school claimed that the girls' wearing of foulards countered France's ethical self-understanding. The school's normative assumption was that the law prohibiting religious symbols in schools rests in the communicatively reached self-understanding of their national community.

In an attempt to negotiate the differences between the *liberal* and *civic republican* normative models, Habermas (1996a, 1996b) describes the *procedural* normative model of democracy as the basis of understanding the public's interest in such disputes. But before moving on to a comparison of the *procedural* model with the *liberal* and *civic republican* normative models of democracy, I will take a detour into Habermas's (1984, 1987, 1992) concept of validity for three reasons. First, a claim to know *the truth* has been long discredited by philosophers of science. The concept of validity better expresses the contingent nature of what can be known. What is commonly referred to as a claim to truth is in actuality a claim to validity. Second, the nature and function of validity claims clarify comparisons of his three normative models of democracy. Third, I will use Habermas's three normative models in conjunction with his concept of validity in my comparison between Habermas and Gutmann in the next section.

Habermas refines the concept of validity to be justified by underlying structures of intersubjectivity found in communication. A claim gains validity when it is tied to intersubjectivity. By tying validity claims to language, it follows that validity claims are contingent upon social constructs of meaning and intersubjective consensus rather than a claim to universal knowledge or *truth*. Intersubjectivity and its relation to moral, ethical, and political meaning are the vortex around which all of Habermas's ideas revolve.

In the *liberal* view, validity claims concerning the public interest are supported by an aggregate of strategic actors, all possessing rights protected by the state. Public reasoning is not an integral part of public opinion formation because in strategic communication, reasoning assumes an instrumental function and not a communicative function. In contrast, within the *civic republican* view, validity claims concerning the public interest are contained in the formation of an ethical consensus. Validity is reliant upon a communitarian understanding of the formation of public opinion. Reasoning assumes a function within the confines of a community's *established* ethical-political self-understanding. Thus, *liberal* and *communitarian* models ground claims concerning the public interest in the individual or community. For example, a claim about the public interest must be valid because the majority has voted (*liberal* norm), or a claim about public interest must be valid because there is a pre-existing ethical consensus (*civic republican* norm).

In contrast, the *procedural* model places the formation of public opinion within processes that are consistent with democratic principles of inclusion from both nondominant and dominant claims concerning the public interest. The negotiation of competing validity claims concerning the public interest in the *procedural* model is based upon the democratic principle that "only those statutes may claim legitimacy that can meet with the assent (*Zustimmung*) of all citizens in a discursive process of legislation" (Habermas, 1996a, p. 110). In this discursive process, the validity of a claim concerning public interest is strengthened by expanding ethical discourse to include multiple ethical perspectives while remaining committed to the value of public reason in the formation of public opinion. Habermas (1996b) writes:

The deliberative mode of legislative practice is not intended to ensure the ethical validity of legal norms as the claim. One can understand the complex validity claim of legal norms as the claim, on the one hand, to compromise of competing interests in a manner compatible with the common good and, on the other hand, to bring universalistic principles of justice into the horizon of the specific form of life in a particular community. (p. 25)

The *procedural* model represents a culmination of Habermas's work by placing law as the medium between the fact that there are multiple cultures or lifeworlds

in a single society and the norms of a liberal democratic community that is “a voluntary association of free and equal consociates *under law*” (Habermas, 1996a, p. 111). Habermas (1996b) sums up the emergence of a definition of the public interest in the *procedural* model:

According to this proceduralist view, practical reason withdraws from universal human rights, or from the concrete ethical substance of a specific community, into the rules of discourse and forms of argumentation. In the final analysis, the normative content arises from the very structure of communicative actions. These descriptions set the stage for different conceptualizations of state and society. (p. 26)

Rather than focusing upon substantive outcomes such as human rights or a community’s ethical self-understanding, Habermas rests a definition of the public interest in the process that determines these ends. This focus upon process stems from the realization that multicultural liberal democracies do not have a common culture and epistemology in which to ground validity. Instead, individuals must come together in a process that grounds validity in the process of communication. Validity claims concerning the public interest are thus grounded in a democratic process where all opinions are included in the process of forming public opinion. *Comparing Procedural and Substantive Approaches to Curriculum Controversy*

Up to this point, I have discussed Habermas’s focus upon the process of deciding the public interest. As the inclusion of the voices of those subject to public decisions increases in the decision-making process, resulting claims concerning the public interest gain validity. Procedures that promote an expansive and inclusive public sphere will increase the validity of claims concerning curriculum decisions emanating from that sphere (Camicia, 2007; 2009). This provides the background for a comparison between how Habermas might propose to settle curriculum controversies and the method that Gutmann (1987) proposes in *Democratic Education*. There are two points that mark this comparison. First, Gutmann limits deliberation by placing moral principles of nondiscrimination and nonrepression at the front end of the deliberation process (see Figure 2). In Figure 1 and Figure 2, agreement is found between Habermas and Gutmann in the use of ‘ethical-political talk’ (what is right for a political community to do) and procedurally regulated bargaining (rules of inclusion during talk).

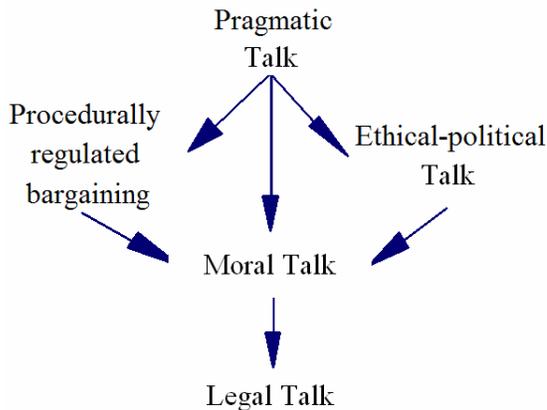


Figure 1: Habermas's *procedural* model of rational public interest-formation¹

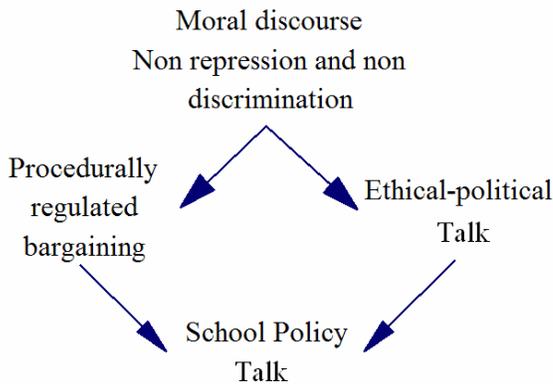


Figure 2: Gutmann's model of deciding curriculum contentions

I locate Gutmann in Habermas's description of the *civic republican* normative model of democracy because of her quasi-foundational stance *prior* to deliberation. In contrast to Gutmann's restraint of deliberation, Habermas expands the range of opinions discussed by placing moral discussion at the back end of his deliberative model (see Figure 1). Second, in contrast to Habermas, who emphasizes equity in the deliberation process, Gutmann privileges the perspectives of educators.

Because democratic education is the central theme of her book, Gutmann's (1987) method of deliberation is constrained by a concern that students develop and maintain the knowledge, skills, and dispositions necessary for democratic governance. This means that deliberation must consist of "choices among policies in accordance with those principles—of nonrepression and nondiscrimination—that preserve the intellectual and social foundations of

democratic deliberation” (p. 14). Gutmann places the principles of nonrepression and nondiscrimination as the grounds for legitimacy. This has the effect of narrowing deliberative options to *predicted* substantive outcomes based upon a common understanding of nonrepression and nondiscrimination. These “moral” principles exist prior to, during, and after deliberation.

Most deliberative democracy theorists require the principles of nonrepression and nondiscrimination as standards for a legitimate process of deliberation (Benhabib, 1996; Cohen, 1989; Gutmann & Thompson, 2004; Habermas, 1996a; Mansbridge, Hartz-Karp, Amengual, & Gastil, 2006; Young, 2000). As I have already discussed, Habermas places the validity of public interest claims primarily within the process of deliberation. This is a source of disagreement and differentiation among deliberative theorists. Gutmann balances public interest claims within the pre-process, the process, and the outcome of deliberation. This extension of the requirements of public interest claims places the extant moral self-understanding of the democratic community in a central position of influence. This self-understanding governs the process of deliberation.

In combination, these characteristics of Gutmann’s orientation toward deliberation situate her within the *civic republican* normative model of democracy. While the principles of nonrepression and nondiscrimination are liberal principles, the normative understanding of what these principles mean are reliant upon a democratic community’s ethical-political self-understanding. This self-understanding was central to *l’affaire foulard*. The policy of state neutrality illustrated the manner in which apparent emancipatory values of nonrepression are interpreted differently, making the claim of neutrality subject to an existing self-understanding (Benhabib, 2002; Gutmann, 1995).

Gutmann (1987) illustrates the difference between a focus upon process and a focus upon extant community beliefs as grounds for public interest claims in her examination of the cases of book banning and the teaching of creationism. In the case of book banning, Gutmann states:

Shifting our concern from the policy to the process, we would judge various methods of textbook selection, first, by their openness to citizen participation, and second, by their potential to open citizens to the merits of unpopular points of view... It would lead us to prefer participatory boards that took seriously the opinions of teachers and historians to those that considered only the opinions of their constituents. (p. 101)

By balancing citizen opinions with expert opinions, the validity of public interest claims would rest in the process of including all voices in deliberation while balancing the need for education during this process. This is consistent with a deliberative process that is guided by experts such as educators and historians. This is a weak claim toward Gutmann’s orientation toward *civic republicanism*.

Gutmann's (1987) privileging of experts in the deliberation process is stronger in her discussion of the teaching of creationism in public schools. She claims that "the indirect—if not the direct—result of establishing religion in public schools would be to restrict rational deliberation among competing ways of life" (p.104). Gutmann provides an interesting dilemma here that demonstrates the veto power of dominant extant moral and epistemological understandings in the deliberation process. According to Gutmann, "the decisions concerning what theories are taught in the classroom are a matter of professional, not democratic, authority" (p. 101). Here she proposes to restrict public deliberation of curriculum issues to guard against a future restriction of "rational deliberation among competing ways of life" (p.104). Unfortunately, Gutmann presents a slippery slope that equates the representation of religious views in the curriculum as an establishment of religion. Whereas Habermas (1996a, 1996b) rests validity claims concerning public interest within equity in the deliberation process, Gutmann (1987) rests validity claims concerning public interest within the equity of deliberation balanced against expert authority.

In the next section, I first present a narrative of the yearlong, Leaving Our Homes (LOH) curriculum dispute. I conclude by analyzing and interpreting the case with the theoretical framework presented up to this point. Both supporters and challengers of the LOH curriculum felt that it was in the public interest to have their interpretation and evaluation of the Japanese American internment added to the curriculum. How did the school respond to their role as arbiters of curriculum deliberation and the public interest?

The Leaving Our Homes Curriculum Controversy

Telford has the distinction of being the first community to be targeted by a Civilian Exclusion Order demanding that Japanese Americans leave their homes. All Japanese Americans in Telford were forced to leave their homes and farms. Non-Japanese Americans in the community helped their Japanese American neighbors pack, and during the internment period, non-Japanese Americans often tended to animals, property, and farms. By most accounts, Telford community members did whatever they could to lessen the blow of what they considered an unjust and unnecessary action by the United States government. Presently in Telford, there is a substantial memorial to the wrongfulness of the internment located where Japanese Americans boarded mass transportation to the internment camps. In addition, Japanese American culture is extremely strong in the community. The Leaving Our Homes (LOH) curriculum was an extension of the strong discourse within Telford that the internment of Japanese Americans was wrong, and every child in the community should be taught as such. In other words, most Telford residents had long held that it was in the public interest to remember the internment as a mistake. It is within this context that LOH challengers believed that it was in the public interest for students to learn a

perspective that was less critical of the United States government, claiming that there were military reasons for suspending the civil rights of citizens.

In January 2004, parents of what I call Hayashida Intermediate School students received an email describing how the LOH curriculum was funded and the learning objectives of the LOH curriculum. One parent responded to the email with a letter questioning the school principal about the intent of the curriculum. The same parent offered to give the principal of the school information concerning Fort Telford, a local WWII military installation. She hoped that the information would be added to the curriculum in an effort to provide the perspective to the curriculum that the internment was done out of military necessity. The principal described her response to the parent, “I responded and said, ‘Thanks a lot. I’ll make sure that the teachers know about the historic significance and that they can share that information as we teach this unit.’” However, regarding other changes requested by the parent, such as including the perspective that the internment was not a mistake, the principal refused to budge. She sent a letter strongly stating that the internment was a mistake, and students would continue to be taught as such.

Unsatisfied with the response of the school principal, two parents met with the TSD official before the LOH curriculum was taught. The principal wrote a letter to the parents in which she stated that the curriculum would be taught in its original form. The parents then brought their complaint to the Telford School District (TSD) superintendent. A meeting between the superintendent and the parents took place in March. At the meeting, challengers raised concerns that the curriculum took up too much instructional time, was biased, and contained factual errors. As a result of the meeting, some common ground was forged, but again, the internment would be taught as a mistake.

In April, the challengers wrote at least two letters to the Superintendent. He responded in April stating that it would be in the best interest of the LOH challengers to present their complaint to a public school board meeting in which the curriculum would be reviewed. Challengers responded with a letter containing detailed descriptions of the changes to the curriculum that they wanted to see implemented.

The First Public Meeting

The first school board meeting in August 2004 was sparsely attended. According to Brian, an LOH supporter, there were only two or three LOH supporters in attendance, as well as school board members who supported the curriculum. From the accounts of insiders and outsiders, no one expected the controversy that erupted as a result of the first meeting. LOH challengers were given extra time at the first meeting to present their concerns about the curriculum. A challenger of the curriculum recalls the events:

They asked for members of the public to speak, and I said I wanted to speak, and they said, well, they'd give you three minutes. And I said, "Well look, you told me three months ago that this was my opportunity to speak. I want to speak to this issue." And they said, "Okay." So I read my remarks and they were probably 15 minutes long and it was at that point there must have been somebody there from the press.

In the first meeting, the developer of the LOH curriculum gave a brief presentation including a DVD that included pictures of the development and implementation of the LOH curriculum. LOH challengers were then given 15 minutes to present their disagreements with the curriculum. No one expected what was in store for the second public meeting.

The Second Public Meeting

Over 100 people attended the second School Board meeting in September 2004. Of the 100 people in attendance, about 24 spoke, each for an allotted time of three minutes. The majority of those speaking (about 19 of the 24) supported the LOH curriculum. The LOH curriculum portion of the meeting lasted about an hour and twenty minutes. Terra, a supporter of the curriculum, recalls the procedure for the meeting:

When you walked in, you were asked to sign up if you wanted to speak during the open period. And there was a huge - huge list. So the school board meeting started, and they seemed a little bit surprised that so many people had shown up. So they decided from the onset of the meeting to have the open period at the beginning, addressed the curriculum issue, and then move on to other items, and put those on the back burner of their agenda so that everyone who wanted to speak could speak. With that said, they asked people to cross their name off the list if they felt like what they said would be redundant of other people and just make note of the fact that they were there in support of the curriculum, or against the curriculum. So some people did that.

Finally, an LOH challenger spoke about her experience at the second meeting: I brought a four-page statement. I couldn't speak. I was so upset and I felt so outnumbered. And these - this was as you say, an angry crowd, a rabid crowd and they all - nobody knows what we're - why we're protesting the curriculum. They're there to fight racism. And so I stood up after the meeting with my four-page statement, and I took it up to [the School Board President]. And I gave it to him, and I spoke to him for a few minutes, and I begged him to read it, and I'm sure he didn't. And I'm sure no one else ever saw that statement.

Other LOH challengers said that they felt intimidated by the crowd and coerced by the school board. In their view, this limited the ability of LOH challengers to voice their claims about the curriculum, and as a result, the public interest.

The Curriculum Revision Committee

After the second school board meeting, an LOH curriculum revision committee was assigned to revise the curriculum. The committee was composed of a cross-section of the community and educators. According to Emery, an LOH challenger, “[One of the LOH challengers] attempted to be part of it, and they put in random envelopes, and they just selected them. Well, what do you know? [the LOH challenger] was not selected. I mean - you know, I was not born yesterday.” Nance, a TSD official, facilitated the curriculum revision process and confirmed that there was no attempt to include someone with an LOH challenger perspective on the curriculum review committee. In the end, the curriculum revision committee recommended that the LOH curriculum should be cut from 18 to 10 days of instructional time, but the claim that the internment was a mistake would remain in the curriculum. In the committee’s view, the issue of the wrongfulness of the internment had been settled by the U.S. government and it was closed to letting students decide for themselves if the internment was a mistake or not.

Determining the Public Interest

In the narratives of both challengers and supporters of the Leaving Our Homes (LOH) curriculum, it is apparent that educators, a Telford majority, and Telford School District (TSD) had little intention of backing away from the claim that the internment was anything other than a mistake. This is aligned with a *civic republican* orientation because the dominant norms and beliefs of the community overshadowed the concern that all voices be heard on the issue. As mentioned in the beginning of the last section, there was a deeply held belief in Telford that the internment was clearly wrong. Telford had developed an ethical-political understanding of the internment. To many in Telford, the LOH challengers’ views were illegitimate and against the public interest. With this consideration in mind, the question becomes: How inclusive should the decision-making process of public school curriculum be of perspectives that are abhorrent to the majority community?

Under Gutmann’s (1987) model (see figure 2), the validity of a public interest claim is based upon including all views in curriculum deliberation except those that are discriminatory or repressive. The LOH supporters claimed that adding the perspective that the Japanese American internment was not a mistake was discriminatory and repressive. This was most evident in the frequent claims by LOH supporters that the internment was caused by “race prejudice” (a reference to the United States Commission on Wartime Relocation and Internment of Civilians, 1997, p. 18). This belief was also evident in numerous LOH supporter comparisons of LOH challenger views with issues such as the Holocaust and slavery. Under Gutmann’s model, the LOH challengers should not have had the opportunity to bring their view to the curriculum decision-making

process. In other words, the moral judgment of the community precedes the values of inclusion in the decision-making process (the *civic republican* model).

In contrast, Habermas's (1996a, 1996b) *procedural* model privileges inclusion in the initial phase of the decision-making process. The time for critical awareness comes in the second phase of the process where stakeholders examine ethical-political considerations of what is being included (see Figure 1). By increasing inclusion of abhorrent or nondominant perspectives in the initial phases of the decision-making process, the validity of claims of Telford School District concerning the public interest would have increased. In other words, the decision increases in validity, and the community is better able to gain critical awareness of the way that power operates in public school curriculum decisions. In Gutmann's model, issues of power are concealed under an assumption of a community's normative understanding of non-oppression and non-discrimination. This is highly ironic because in the process of assuming this normative understanding, Gutmann increases the risk that hidden power relations will serve to create conditions of oppression and discrimination.

Gutmann's (1987) model best describes the LOH decision-making process (in contrast with Habermas's model (1996a, 1996b)). The initial meetings with the Hayashida principal, the TSD official, and the TSD superintendent yielded the only concessions that LOH challengers would ever receive in the decision-making process. No concessions would be made during or after public school board meetings. A TSD official said that the concessions made to LOH curriculum challengers were decided before public meetings, assuming the school board agreed with the concessions as outlined by the superintendent. This implies that LOH challengers were only effective at getting concessions early in the decision-making process. Vikki described the concessions:

So there were some modifications that we agreed to make based on the concerns that had been stated. But there wasn't ever the intent to do away with the curriculum nor were we basically changing a significant portion of it; we were making some slight modifications to the curriculum.

Based upon a dominant understanding of the public interest, the school district denied entry of the LOH challengers' perspective of the internment as justified to enter into the decision-making process. This is in agreement with Gutmann's model in which the range of choices in deliberation is limited to those that pass a test of non-discrimination and non-repression. This standard is mainly decided by educators who serve as arbiters of the process.

Under the lens of Habermas's *procedural* model, the validity of the LOH revision decision was reduced because LOH challengers were not given an opportunity in public to give their statement free of coercion. Decisions made under coercion decrease validity of claims because coercion translates to

exclusion of claims about the public interest. As an LOH challenger described her experience at the second public meeting,

I brought a four-page statement. I couldn't speak. I was so upset and I felt so outnumbered. As a result of the LOH decision-making process between LOH challengers and supporters, the evidence and claims of LOH challengers were never under any serious consideration in a public forum.

Challengers were able to speak, but no one was listening. This is problematic according to the *procedural* model because the claim to the public interest was immune to challenges from non-dominant viewpoints. In the face of challenges from non-dominant perspectives, the public interest has the opportunity to strengthen its justifications or change in the face of new evidence presented by challengers. In the next section, I suggest implications that this had for the formation of public interest in the LOH contention.

Public Interest Formation in the LOH Contention

The procedures used in deciding curriculum controversies impact the way that the public interest is interpreted by administrators and the community. LOH challengers disputed the school district's interpretation of Telford's public interest—an interpretation of what is best for students in their community to learn. When the LOH curriculum was challenged, community members usually ended up taking one side or another. LOH challengers and supporters both claimed that the contention formed their opinion about what should be taught in the LOH curriculum. Ashlee, an LOH supporter described the formation of opinion around the LOH contention:

I just felt so - It was such a positive response, and truly it was in our best interest because many more people found out about the incarceration [the Japanese American internment] than would have ever known about it. I mean it went much wider. I mean people would stop me in the grocery store and say, 'oh [Ashlee], thank you so much. We're so sorry what you're going through.' I mean this continues to this day.

LOH challengers spoke in a similar way about the formation of public opinion within the community. Referring to comments from community members, an LOH challenger stated:

'We like what you're doing. Thank you for what you're doing.' Or, 'We think you're absolutely right.' And then you ask them if they would write a letter to the school board or if they would come to a school board meeting and protest or if they would write a letter to Hayashida, to the principal and say, 'You know, I think this curriculum is pretty bad.' And they say something like, 'Oh, I can't do that. I work for the school district' ... Or, 'I have a business [in Telford].'

In the process of these encounters, community members began to strengthen their opinions about the LOH curriculum. However, the non-dominant viewpoints of challengers were never fully engaged. Returning to the above critique of Gutmann's (1987) model, the power relations were concealed by a decision-making process that denied the validity of challenger claims concerning the public interest. The vast increase of public support for racial profiling post-September 11th is one indication that the claims of LOH challengers were not an anomaly. The rise of Malkin's (2004) book, entitled *In defense of internment: The case for "racial profiling" in World War II and the war on terror*, to New York Times Best Seller status indicates that support for racial profiling was not far from the lips of many Americans.

LOH challengers believed that the public interest would be best served by a more patriotic LOH curriculum—one that did not judge past and present government actions too harshly. LOH supporters believed that the public interest would be best served by an LOH curriculum that taught students to be on guard for civil liberties abuses in times of national emergency. The result of these different claims concerning the public interest was a year-long process of curriculum contention that weighed the nondominant perspectives of LOH challengers with the public interest as interpreted by the Telford School District (TSD). During the process, LOH challengers were given numerous opportunities to voice their opinions, but their main claim that the mass incarceration was done out of military necessity was never fully considered in a public forum. This has direct bearing upon the validity of the final LOH revision decisions as representing the public interest.

Conclusion and Recommendations for Curriculum Deliberation

The Leaving Our Homes (LOH) curriculum controversy provides a snapshot of a contentious curriculum decision-making process in one school district. As caretakers of the public interest in a liberal democracy, the public school in the LOH case was charged with weighing multiple perspectives from its community concerning the design and implementation of curriculum.

Findings indicate that the school followed a *civic republican* rather than a *procedural* model of democracy when facilitating the resolution of the curriculum dispute. Rather than rely upon a process of inclusion during the curriculum decision-making process, the school district adhered to a *civic republican* orientation related to the wrongfulness of the internment. In the school district's view, it was in the public interest to teach students that in a democracy, we must be vigilant against racial profiling and civil liberties abuses.

The LOH curriculum controversy brings to the surface core questions involving Gutmann's (1987) qualification of nonrepression and nondiscrimination in the curriculum because, for example, the LOH contention occurred within the context of historical and contemporary practices of racial, ethnic, and religious

profiling. The idea that students could be presented with a *balanced* view concerning the wrongfulness or the correctness of the Japanese American internment was abhorrent to educators and most community members.

The school board president compared the request for a balanced perspective on the internment to a request for a balanced perspective concerning the issue of whether slavery was wrong. All educators who spoke publically, from the district superintendent to teachers, shared the perspective that the internment of Japanese Americans was clearly a mistake. According to Gutmann, the expert opinions of these educators should be, in principle, enough to solve the curriculum controversy behind closed doors. In other words, the school district had an a priori belief that that the internment was wrong, and that there was little need to listen to the opposing views of LOH challengers. This approach limited the range of perspectives in the curriculum decision-making process.

The school's alignment with the *civic republican* model contrasts with Habermas's focus upon the *procedural* validation of public interest claims, which demands that a wide range of perspectives be included in public deliberation of curriculum. This wide range of perspectives must also include the perspectives of those with whom the dominant community believes are anti-democratic or wrong. The school district in the LOH case held three public meetings where the community could voice their opinions. Anyone who wished to speak publicly was given the opportunity to do so. However, challengers told me in interviews that they feared charges of racism and ostracism from the community. In addition to the a priori stance of the school district, this sense of coercion limited equal access to public deliberation at the school board meetings. In this manner, the school's claim to an interpretation of public interest in the curriculum design and implementation was weakened.

The LOH case illustrates the complexity of curriculum decisions when stakeholders make different claims about the public interest. This supports Pinar's (2004) description of curriculum as a "'complicated conversation' of participants" (p. 19). In the LOH case, the controversy was a social drama fueled by historical and contemporary complicated conversations about social justice, national security, racial profiling, and civil liberties. The curriculum was a flashpoint for these complicated conversations. Although the case of the Japanese American internment has long been considered wrong by the United States government and most historians, it was the school's duty to consider alternate perspectives in curriculum design and implementation. Not to do so diminished the validity of curriculum decisions as being in the public interest, as well as the opportunity for communities to construct, deconstruct, and maintain public opinion on curriculum in the public interest.

In conclusion, I propose a synthesis of the *procedural* and *civic republican* models. The cases illustrated in this essay shed light on ways that deliberation in

schools could be conducted better. Public school curriculum deliberation should involve procedures that guard against dominant perspectives crowding out non-dominant perspectives. The end decision will gain the legitimacy of having all that are subject to the decision be involved in the decision making process. However, deliberation is not conducted within a vacuum. The social positions and identities of stakeholders are tied to a long history of power relations.

Gutmann's principles of non-discrimination and non-repression should be synthesized with Habermas's *procedural* model of deliberation. During the initial phase of deliberation in the process described in Figures 1 and 2, community members and experts should be encouraged to identify as many factors of discrimination and repression that might influence the curriculum issue under deliberation. While the LOH challengers thought that the school district was discriminating against them, the claims of LOH challengers cannot be removed from a long and violent history of racism in the U.S.

The very mention of the topic of racial profiling brings thoughts and emotions of fear and repression to many within the deliberation process itself. The degrees to which stakeholders are influenced by this are dependent upon their social positioning and identity in society. While a White, middleclass, English speaking, male might view the issue of racial profiling as an important issue of either national security or social justice, he is not as subject to hierarchies of discrimination within society as much as a woman of color. The experiences of stakeholders related to identity and discrimination should foreshadow all deliberations. For many Japanese Americans, the LOH challengers were opening painful wounds from the past that had been healing for 60 years. Historical and contemporary patterns of discrimination and repression should be at the forefront of any curriculum deliberation.

Habermas's *procedural* model should be combined with the concepts of non-discrimination and non-repression to increase the range of perspectives allowed in deliberation. School districts should encourage an examination of what is considered as non-discrimination and non-repression as a starting point that is open for interpretation. This could diminish the influences of a *civic republican* model that is itself discriminatory and repressive.

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Author Notes

¹ This figure is adapted from (Habermas, 1996a). The word ‘discourses’ in the original has been replaced with the word ‘talk’ to avoid confusing Habermas’s use of the word discourse with the use of the word ‘discourse’ in other parts of this dissertation.